

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 13 October 2010 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe, PJ Edwards, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, G Lucas, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors LO Barnett, BA Durkin and J Stone

41. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow and RI Matthews.

42. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PJ Edwards was a substitute member for Councillor RI Matthews.

43. DECLARATIONS OF INTEREST

There were no declarations of interest made.

44. MINUTES

RESOLVED: That the Minutes of the meeting held on 13 October 2010 be approved as a correct record and signed by the Chairman.

45. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers present at the meeting.

At the request of Councillor PGH Cutter, the consideration of agenda item 11 was brought forward to be considered immediately after agenda item 7.

46. APPEALS

The Committee noted the report.

47. DMSE/100966/F - PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mrs Wyatt, representing Hentland Parish Council, and Mr Thomas, representing a number of local residents, spoke in objection to the

application. Mr Cockburn, the applicant, and Mr Moss, policy advisor for the National Farmers' Union, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's constitution, Councillor BA Durkin, the local ward member, commented on a number of issues, including:

- The case officer was congratulated for his thorough report
- The application was finely balanced between the needs of a large business and the requirement to protect an Area of Outstanding Natural Beauty
- There was support for the application from a number of workers and local people.
- There had been a history of polytunnels being installed contrary to policy and without planning permission on the site in the past.
- A number of the polytunnels on the site had become 'lawful through the passage of time' as they had not been rotated as agreed in the 2003 voluntary SPD.
- The application proposed 25 Ha of covered tunnels through a structured rotation plan.
- Concerns were raised that the Council may have to 'police' the enterprise.
- Uncovered hoops and stands would remain when circumstances did not permit timely dismantling, this would have an impact on the AONB
- A large majority of respondents to the Kings Cople Parish Plan felt that polytunnels were causing harm to the landscape.
- A significant number of objections had been received in writing to the Council in respect of the application.
- Concerns were raised regarding the increase in HGV movements on the local roads.
- The development was not of greater national interest than the purposes of the AONB.
- The detriment to the landscape could not be mitigated through conditions.
- The application should be refused in accordance with policies LA1 and LA2 of the Herefordshire Unitary Development Plan and guideline 2 of the Polytunnels Supplementary Planning Document 2008

Members opened the debate by noting the importance of the site inspection which had taken place at the site the previous day. The opening speakers voiced their concerns in respect of the application and paid particular attention to the effect that the application would have on an Area of Outstanding Natural Beauty; on the impact it would have on the nearby church; as well as the detrimental effect on the local highways infrastructure.

In response to a question, the Principal Planning Officer confirmed that he had not received a petition in respect of the application. He noted that a petition had been received for an earlier application on the site.

In response to comments made by the Committee, the Principal Planning Officer advised that Garden Field had not been considered by the Inspector as polytunnels were erected on the site after the Inspector's report. He also confirmed that an enforcement notice had been served on the applicants in respect of Garden Field. In response to an additional question, the Principal Planning Officer identified the lawful 9.68 hectares of polytunnels on the site map.

Other members of the Committee were of the opinion that the application should be approved. It was noted that the site only covered 0.76% of the AONB and that any concerns regarding biodiversity could be addressed through appropriate conditions. The view of some members was that the impact was not significant enough to warrant refusal under policies LA1 and LA2 of the Unitary Development Plan and that the application should be supported as there was a need to promote farming in rural areas. It was also noted that a number of jobs could be lost if the application was refused.

In response to a number of questions from a member of the Committee, the Principal Planning Officer advised that the majority of the 140 workers resided in lawful accommodation at Pennoxstone Court; that landscaping would take up to 5 years to mature; and that there were concerns regarding the ability of the hedgerows to mitigate the visual impact of the site from elevated positions.

A number of members noted the complex nature of the application and the difficulty in balancing the issues of whether the economic benefits of the business were capable of outweighing the impact on the AONB.

The Committee also noted that tourism revenue resulted in over £400m for the County and felt that this should be considered whilst making a decision.

The Planning Department was urged to monitor the site closely as concerns were raised by members regarding previous enforcement issues on the site as well as the possibility of any existing polytunnels that may have been in situ for a period of time nearing lawful usage. 9.86 Ha of polytunnels on the site were already deemed immune from enforcement due to their lawfulness through the passage of time. The applicants were also urged to downsize the operation in a bid to resolve some of the issues with neighbouring residents.

In response to comments raised by Members the Assistant Director – Environment, Planning and Waste noted that the application was finely balanced. He advised members to consider the application on its merits and consider both national and local planning policies. He noted that a number of factors had been raised which were not material planning considerations, these included; the background and ethnicity of the workforce; the costs incurred in submitting the application; and the part retrospective nature of the application.

In accordance with the Council's constitution, the local ward member was given the opportunity to close the debate. He noted that Members had debated the application thoroughly and chose to make no new statement.

A motion to refuse the application in accordance with the officer's recommendation failed and then a motion to approve the application with suitable conditions to be delegated to Officers was carried.

RESOLVED

THAT officers named in the scheme of delegation to officers be authorised to approve the application subject to suitable conditions.

48. DMS/101741/O - MOREBOROUGH, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BE.

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr McLachlin, a neighbouring resident, spoke in objection to the application and Mr Smith, the applicant's agent spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, one of the local ward members, commented on a number of issues, including:

- Concerns were raised in respect of the access to the site.
- Traffic in the area was particularly problematic during school drop off and pick up times.
- An additional two dwellings could result in a number of vehicular movements.
- The school was due to implement a 'no waiting' proposal which would have a detrimental effect on the highways infrastructure in the area.
- Concerns were also raised regarding the high hedges on the boundary of the site.
- Concerns were raised regarding the lack of consultation with the local member in respect of the Section 106 agreement.
- One dwelling would be more suitable on the site.

In response to a question regarding the hedge on the boundary of the site, the Team Leader (South) advised Members that there was legislation in place regarding the height of hedgerows but that it was complex to enforce and would come at the cost of the neighbouring residents.

Members discussed the application and had a number of concerns regarding the access to the site as well as the effect the development would have on the already busy road infrastructure. Other concerns related to the suitability of two semi detached properties on the plot and the close proximity of the proposed dwelling to the neighbouring building.

In response to a question regarding the access to the site, the Team Leader (South) confirmed that a visibility splay of 43 metres had been achieved.

The Development Control Manager noted that the primary concerns expressed by members related to the access onto the site. He advised that the Transport Manager was satisfied with the proposal subject to conditions. He also added that in the case officer's opinion the impact on the neighbouring dwelling would not be unacceptable.

In response to a question, the team Leader (South) advised members that the distance from the boundary to the proposed dwelling was 1.4m. He added that the distance between the proposed dwelling and the neighbouring dwelling was 2.4 metres.

In response to a number of comments made by Members, the Assistant Director – Environment, Planning and Waste advised that the Committee could defer the application for further discussions with the applicant regarding the possibility of a revised site layout or to discuss members' preference for one dwelling on the site.

RESOLVED

THAT consideration of the item be deferred pending further discussions between the applicant and the Planning Department.

49. DMNW/100435/F - LOWER FIELD AT ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Bailey, a resident of Wigmore, spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's constitution, Councillor LO Barnett, the local ward member, asked questions and commented on a number of issues, including:

- How many ancillary units were proposed on the site?
- Would all other units be removed?
- How large was the whole field?
- Local people would not be permitted to develop on the site.
- Object to the injustice of the precedent set for traveller applications.
- Affordable housing would not be permitted on the site
- Urge the Committee to refuse the application.

In response to a number of questions raised by the local ward member, the Senior Planning Officer confirmed that the planning permission was for one caravan, one shed, and one toilet building and that all other units would be removed from the site. He added that there was no restriction on the number of motor vehicles permitted. In response to a question regarding the plot size, he confirmed that the site was 0.2 hectares in total. Finally he advised members that the Council was required to find an additional 83 traveller pitches by 2012.

A member of the Committee opened the debate in support of the application. It was noted that the applicant may have ceased travelling but was still considered a traveller in planning law. Reference was made to the site and the natural screening provided from the public highway. A 99 signature petition was noted and the Senior Planning Officer confirmed that all signatures were from residents of Wigmore.

Other members noted the comments but felt that they could not support the application. Concerns were noted in respect of any anti social behaviour taking place on the site as referred to in the representation submitted by Wigmore Parish Council. Members also noted that the applicant had recently married and clarification was sought as to whether she intended to reside at the home her husband currently resided. Finally members expressed concerns regarding the impact of the application on the visual amenity of the area.

In response to questions, the Head of Development Control outlined national guidance and criteria considerations and re-iterated that it was for the committee to make a judgement about the acceptability of the application given the material planning considerations

The Head of Development Control advised that the committee needed to give appropriate weight to national guidance and local planning policies which gave a degree of priority to traveller sites. It was for the committee to conclude whether all the other material planning considerations outweighed the policy considerations.

The Locum Lawyer explained the relevance of the policy considerations and commented on the authority's obligations under the Race Relations and Equality Acts.

In response to a question regarding the appeal information listed in the report the Senior Planning Officer confirmed that although there had been no appeals in respect of this area of the site there had been appeals on other areas of the plot and therefore the appeal information was relevant.

Councillor Barnett was given the opportunity to close the debate in accordance with the Council's constitution. She reiterated her comments in objection to the application and thanked the Committee for their comments.

RESOLVED

THAT planning permission be refused for the following reason:

1. **The proposal fails to protect the landscape by its very presence and is visually damaging because of its prominence in the countryside. The proposal fails to protect the countryside for the sake of its intrinsic character and beauty. Despite the existing and/or potential screening, the development site will have a continued detrimental impact upon the character and visual amenity of the landscape. As such the proposal is contrary to Planning Policy Statement 7 and the Herefordshire Unitary Development Plan policies H12 and LA2.**

[Councillors ACR Chappell and GFM Dawe wished it be noted that they voted in support of the application]

50. DMNW/100558/F - ASHFIELD BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Bailey, a resident of Wigmore, spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's constitution, Councillor LO Barnett, the local ward member, commented on a number of issues, including:

- The application should be refused for the same reasons as the previous agenda item.

RESOLVED

THAT planning permission be refused for the following reason:

2. **The proposal fails to protect the landscape by its very presence and is visually damaging because of its prominence in the countryside. The proposal fails to protect the countryside for the sake of its intrinsic character and beauty. Despite the existing and/or potential screening, the development site will have a continued detrimental impact upon the character and visual amenity of the landscape. As such the proposal is contrary to Planning Policy Statement 7 and the Herefordshire Unitary Development Plan policies H12 and LA2.**

51. DMNC/091832/F - LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF.

The Chairman noted that the meeting had reached 3 hours in duration and asked members to decide on which course of action to take, in accordance with the Council's constitution. Members decided to defer the determination of the remaining items until the next meeting of the Planning Committee scheduled to take place on 3 November 2010.

RESOLVED

THAT the determination of the application be deferred.

52. DMS/101822/FH - STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU.

RESOLVED

THAT the determination of the application be deferred.

53. DATE OF NEXT MEETING

Members noted that the next meeting of the Planning Committee was scheduled for 10:00 am on 3 November 2010.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.15 pm

CHAIRMAN

PLANNING COMMITTEE

Date 13 October 2010

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

1 DMSE/100966/F - Application (part retrospective) to erect, take down and re-erect polytunnels, rotated around fields as required by the crops under cultivation (soft fruit) at Pennoxstone Court Farm, Kings Cople, Herefordshire, HR1 4TX

For: Mr N J Cockburn Per Antony Aspbury Associates, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

ADDITIONAL REPRESENTATIONS

National Farmer's Union

A letter has been received from the President of the NFU. The letter asks the local planning authority to attribute appropriate weight to the following:

- That polytunnels are essential for British growers if they are to meet the market demands for quality and quantity;
- The contribution that the soft fruit industry makes to the local economy;
- The benefits that the use of polytunnels have in terms of reducing the necessity to import soft fruit from overseas.

Wye Valley AONB Unit

The Wye Valley AONB unit remains of the view that the development must be described as large-scale within the AONB and that uncovered frames continue to have a detrimental impact upon the landscape. The AONB unit maintains that the development is unacceptable if assessed solely against the primary purpose of the AONB designation, but accepts that it is for the local planning authority to balance the negative landscape and visual impacts against the positive benefits.

Wye Valley Society

A further letter of objection has been received from the Wye Valley Society. The Society considers the proposal detrimental to the physical and natural environment of King Cople parish and contrary to the purpose of the designation of the AONB, and recommends the application be refused as contrary to policies LA1, LA3, HBA4 and S7 of the Unitary Development Plan.

Two further letters of objection have been received from local residents. These reiterate the points summarised at paragraph 5.5 of the report.

OFFICER COMMENTS

During the negotiation period the applicants offered to enter into a Section 106 agreement to the effect that were planning permission to be granted the applicant would agree not to use cloches or similar forms of crop protection over soft fruit crops across the application site for the duration of the permission.

The applicant has stated that were permission to be refused he could consider using cloches across a potentially larger and arguably more visually sensitive area and consequently were the Council to grant planning permission together with a Section 106 agreement such a "fall back" position would be prevented

Without prior knowledge of the extent and duration of cloche usage, it is not certain that this fallback position could operate without the benefit of planning permission and in the circumstances officers do not consider that the offer of a S.106 restricting the use of cloches is sufficient to offset the harm caused to the landscape by the extent of polytunnel use proposed elsewhere.

NO CHANGE TO RECOMMENDATION

2 DMNW/100435/F - Retrospective re-application for change of use of land from agricultural to one family travellers site including stationing of one caravan, shed and ancillary structure at Lower Field At Ash Farm, Barnet Lane, Wigmore, Herefordshire, HR6 9UJ

For: Ms Cleverly Per Ms Alison Cleverly, C/O 23 Ford Street, Wigmore, Herefordshire, HR6 9UW

ADDITIONAL REPRESENTATIONS

Wigmore Group Parish Council in their absence and unavailability to attend the Committee meeting make the following points –

- Attention is drawn to the previous correspondence and objections made to this application which are maintained
- The applicant is recently married to a local resident, she and her son could live in his house
- Twelve number new houses were built in Wigmore at Queens Meadow and the applicant made no application to be housed in one of them

Mr J Bisset, Kings Meadow, Wigmore makes reference to an alleged change in the personal circumstances of the applicant, that is she is now married to a local resident and resides in a permanent dwelling in Wigmore. As a consequence the need and her status are questioned.

Mrs Fieldhouse, Pear Tree Farm, Wigmore reemphasises that the issue of principle is at stake whilst also maintaining her previous written objections

The Council's Gypsy and Traveller Officer confirms the Council have not provided any sites in the past three years, however there are 3 number vacant plots at the Council run site at Pembridge, a vacant site at Bosbury has had an enquiry, and three number applications have been made for vacant plots at Croft Lane, Luston.

OFFICER COMMENTS

Mrs Cleverly has Gypsy/Traveller status and this does not extinguish on living in a traditional home, even for a prolonged time period.

This application is considered on its own merits and does not prejudice other or future planning applications.

The maintained objections are reported and addressed in the Committee Report

NO CHANGE TO RECOMMENDATION

3 DMNW/100558/F - Change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes & shed at Ashfield Barnett Lane, Wigmore, Herefordshire, HR6 9UJ

For: Mr Wells Per Mr Richard Wells, Ashfield Barnett Lane, Wigmore, Herefordshire, HR6 9UJ

ADDITIONAL REPRESENTATIONS

Wigmore Group Parish Council in their absence and unavailability to attend the Committee meeting make the following points –

- Attention is drawn to the previous correspondence and objections made to this application which are maintained
- This application and that of Mrs Cleverly reference DMNW/100435/F are inextricably linked and Herefordshire Council should, as far as possible, treat the two applications with the same merit
- It is alleged that the applicant is running a tractor dealership from the site, which is neither an agricultural use, or that applied in this application

Mrs Fieldhouse, Pear Tree Farm, Wigmore reemphasises that the issue of principle is at stake whilst also maintaining her previous written objections

The Council's Gypsy and Traveller Officer confirms the Council have not provided any sites in the past three years, however there are 3 number vacant plots at the Council run site at Pembridge, a vacant site at Bosbury has had an enquiry, and three number applications have been made for vacant plots at Croft Lane, Luston.

OFFICER COMMENTS

This application is considered on its own merits and does not prejudice other or future planning applications. It is appropriate this and application DMNW100435/F are treated as two separate applications and individually as these are two different separate planning units with different characteristics and planning history.

The alleged unauthorised use has been reported to the Council's Enforcement team for investigation.

The maintained objections are reported and addressed in the Committee Report

NO CHANGE TO RECOMMENDATION

5 DMS/101741/O - Erection of 2 dwellings, construction of new vehicular access and associated works at Moreborough, Ledbury Road, Ross-on-Wye, Herefordshire, HR9 7BE

For: Mr and Mrs Davis Per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL

ADDITIONAL REPRESENTATIONS

Further communication has been received from Mr and Mrs McLachlan of Meadow View, Court Road. In addition to their objection to the proposed development, the following comments are raised in respect of the content of the officers report:-

- garden of Meadow View is not north facing but rather north-west facing and as such the development will have a detrimental effect in terms of loss of sunlight and daylight. Areas of the garden will be in perpetual shade and the proposed development will block out the only remaining source of sunlight/daylight that the property currently enjoys.
- The revised scheme is not identical to the refused scheme, the dwellings have been pushed back into the site to cater for the parking requirements
- It is not considered that the development can be satisfactorily accommodated on the site. It will result in unacceptable cramming and the staggered design will be uncharacteristic of the area.

The Traffic Manager has commented on additional information (cross sections) concerning the detailed design of the access onto Court Road. Subject to conditions relating to the retention of visibility splays and managing surface water run-off from the driveway no objection is raised to the access and parking arrangement proposed.

OFFICER COMMENTS

With regard to the comment that the application is not identical in terms of layout, it is acknowledged that the dwellings are set back a further 300mm than the refused scheme in order to accommodate the revised parking area.

CHANGE TO RECOMMENDATION

Additional conditions are recommended regarding formation and retention of visibility splay and the control of drainage from the driveway. These are as follows:-

CAH – Driveway gradient

CAL – Access, turning and parking (4 cars new dwelling/2 cars existing access)

CAB – Visibility splays