

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 1 February 2012 at 10.30 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, CNH Attwood, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, RC Hunt, JA Hyde, Brig P Jones CBE, JLV Kenyon, JG Lester, MD Lloyd-Hayes, FM Norman, R Preece and P Sinclair-Knipe

In attendance: Councillors AJM Blackshaw and A Seldon

122. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G Lucas, RI Matthews, GR Swinford and PJ Watts.

123. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors JA Hyde, R Preece, CNH Attwood and P Sinclair-Knipe attended the meeting as substitute members for Councillors G Lucas, RI Matthews, GR Swinford and PJ Watts.

124. DECLARATIONS OF INTEREST

9. DMN/111770/F - LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ.

Councillor DW Greenow, Personal, The Councillor knows the farmer who farms the land.

10. DMS/113120/F - MARSH FARM, TANHOUSE ROAD, UPTON BISHOP, HEREFORDSHIRE, HR9 7UP.

Councillor PGH Cutter, Personal, The Councillor knows the applicant.

11. DMS/112643/F & DMS/113213/G - WESTHOLME, FOWNHOPE, HEREFORDSHIRE, HR1 4NN.

Councillor J Hardwick, Personal, The Councillor is a Member of the Wye Valley AONB Board; owns land adjacent to the site; and knows the applicant.

11. DMS/112643/F & DMS/113213/G - WESTHOLME, FOWNHOPE, HEREFORDSHIRE, HR1 4NN.

Councillor JA Hyde, Personal, The Councillor is a Member of the Wye Valley AONB Board.

11. DMS/112643/F & DMS/113213/G - WESTHOLME, FOWNHOPE, HEREFORDSHIRE, HR1 4NN.

Councillor PGH Cutter, Personal, The Councillor is a Member of the Wye Valley AONB Board.

125. MINUTES

Councillor DW Greenow advised the Committee that his declaration of Interest had been incorrectly recorded in respect of application DMN/111770/F as he did not know the applicant but knew the farmer who farmed the land.

RESOLVED: That subject to the amendment detailed above the Minutes of the meeting held on 11 January 2012 be approved as a correct record and signed by the Chairman.

126. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

127. APPEALS

The Planning Committee noted the report.

128. DMN/111899/O - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. He advised the committee that the principle of development on the site had been established in the UDP and had been reaffirmed in 2010 when the policy was saved. He added that the objection in respect of the allocation of the site for housing had been heard by an Inspector appointed by the Secretary of State at a Public Inquiry who had concluded that the land was suitable as a residential allocation.

In summing up he confirmed that the inspector had stated that there was no technical evidence to indicate that the allocation for residential use was inappropriate. He added that the application before the Committee was for outline permission and that therefore the only issues for consideration were the technical issues and the vehicular access.

Members were advised of amendments to three of the conditions contained within the Officer's recommendation of approval for the application. It was also noted that following further consultation four additional trees had been added to the negotiated scheme.

In accordance with the criteria for public speaking, Mr Davis, representing Bromyard & Winslow Town Council, and Mr McGladdery, speaking on behalf of some of the local businesses who had objected to the application, both spoke in objection to the application and Mr Hewitt, representing the applicant, spoke in support.

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

- The Town Council had debated the pros and cons of the application at length over a considerable amount of time.
- The UDP could be amended by a resolution at Full Council.
- The land had been designated for industrial usage prior to 2007.
- The allocated industrial land at Linton was not, or was unlikely to be, deliverable.
- The application failed to address three key points in respect of density, the increase in traffic along Tenbury Road, and noise.

Councillor JG Lester, the other local ward member, also commented on a number of issues, including:

- The site visit had proved beneficial and the attendees were thanked.
- The application would have a detrimental effect on industry in Bromyard.

- The application highlighted the issues resulting in siting two incompatible land uses in close proximity.
- The applicant had worked closely with Polytec Holden, which was noted and welcomed.
- The Inspector's report stated that the site could accommodate 87 dwellings yet the application was for up to 127 dwellings.
- The applicant was unable to predict further noise that could result of new machinery or operations at the nearby industrial estate.
- The application was contrary to Policy H2 of the Council's Unitary Development Plan.
- Businesses on the industrial estate could be afraid to expand their operations due to neighbour concerns in respect of noise.
- The proposed bund would not address the noise concerns adequately.
- The original objections in respect of the application being contrary to UDP Policies DR2, DR13, H13 and PPG 24 still remains.
- The Transport Manager's comments in paragraph 5.23 of the report were disputed.
- The application would result in the allocated land being detached from the rest of the town and would be contrary to policy DR1 of the UDP.

The debate was opened with a member questioning the suitability of the proposed access and questioning whether it had been subject to any objections as the report stated at paragraph 6.2 that no objections had been raised in respect of the access. The Member continued to address his concerns in respect of the application with particular reference being made to the lack of industrial land in Bromyard should the application be approved. He noted that there didn't appear to be a strong policy case to refuse the application but felt that he would not be able to support it.

One Member of the Committee stated that he would be happy to move the recommendation subject to the resolution of three issues. He requested clarification in respect of the density of the proposed development; the speed limit on Tenbury Road; and further details in respect of the noise of the outdoor activities taking place on the nearby industrial estate.

The issue of density was addressed with the Principal Planning Officer explaining that the site had been found to be larger than initially thought at the deposit stage of forming the UDP Policy. He stated that detailed analysis had proved that a larger number of dwellings could be accommodated and that 127 dwellings on the site would result in a density of 32.63 dwellings per hectare. The Committee were reminded that the actual number of dwellings would be determined at the reserved matters stage.

In response to an issue raised by the previous speakers the Principal Planning Officer advised that it would be beneficial to include a condition requiring the access to be completed prior to the development being commenced; that the speed limit on the road would be reduced in the future; and that the public space concerns were addressed in condition 14 of the recommendation.

The Member still had concerns in respect of noise and felt that this could be addressed through an increase to the height of the proposed bund. In response to this point the Principal Planning Officer advised that the analysis from the Councils' Environmental Health team had indicated that the bund was sufficient and that there would not be a requirement to increase its height. The Member therefore felt that he could not support the application in its current format.

In response to the issue raised in respect of industrial land allocation at Linton, the Assistant Director - Economic, Environment & Cultural Services confirmed that the Council were actively seeking alternative employment land at Linton.

The Committee continued to debate the application and noted that the current application was solely for outline permission and that the detail could be determined at a later date. They noted that affordable housing was required throughout the County and that the proposed development would help to regenerate Bromyard.

In response to a question regarding the local ward members' input in the draft heads of terms, the Assistant Director - Economic, Environment & Cultural Services confirmed that the local ward members would be involved in the discussion regarding allocation of the Section 106 funds.

Further discussion took place in respect of the neighbouring businesses, it was noted that Polytec Holden had been consulted with but members requested clarification in respect of the number of other businesses in the vicinity and whether they had also been subject to the consultation. It was noted that there were a number of different industrial uses on the nearby industrial estate and that some of them had objected to the application.

Further concern was expressed in respect of the noise concerns. Members noted that there were instances of 'metal on metal' noise during the site visit and that these noise disturbances would be difficult to control. It was also noted that the noise levels from the industrial estate could increase subject to a new business type moving into one of the existing units, it was felt that this future issue could not be addressed through the noise controls recommended.

In response to the noise issue, the Principal Planning Officer confirmed that the noise consultants had considered all of the units on the industrial estate and not just Polytec Holden. He also advised the Committee that the proposed conditions in respect of noise would also improve the noise issues for existing dwellings in the vicinity.

In response to a question regarding the policy issues in respect of the application, the Assistant Director - Economic, Environment & Cultural Services advised that the Committee should give significant weight to the Council's Unitary Development Plan and that even more weight should be given as the issue in question regarding the allocation of the land had been tested through a Public Inquiry. He reminded the Committee that they should determine the application on its merits and should steer away from debating the UDP, the forthcoming LDF or the employment options in Bromyard.

Councillors A Seldon and JG Lester were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- There was a lack of empty industrial units in Bromyard
- Specialised companies tend to build custom units as and when required.
- The proposal of housing in Bromyard was supported but there were other, more suitable, sites.
- The Inspector's comments were in respect of 87 dwellings and not the 127 proposed within the application.
- The ambient noise levels in the area were very low.
- If forklift truck reversing indicators had to be silenced in the evenings it was evident that the bund would not work.
- Concerned in respect of the long term prospects for Bromyard.

A motion to approve the application in accordance with the Principal Planning Officer's recommendation and subject to the additional conditions and amended conditions referred to in the Members' Update Sheet and during the debate was lost.

The Assistant Director - Economic, Environment & Cultural Services and the Locum Lawyer - Planning and Regulatory discussed the legal implications in respect of the application being refused contrary to the Principal Planning Officer's recommendation in accordance with paragraph 5.13.10 of the Council's constitution. They were both of the opinion that a refusal would be difficult to successfully defend and felt that the Committee would benefit from further technical information in respect of noise issues and the viability and benefits of increasing the bund height. The Committee were therefore requested to defer the determination of the application pending a further information report.

RESOLVED

THAT the determination of the application be deferred in accordance with paragraph 5.13.10 of the Council's constitution pending a Further Information Report in respect of noise concerns and the viability and benefits of increasing the bund height.

129. DMN/111900/N - PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NS

The Committee noted that the application was linked to the previous agenda item which had been deferred pending a further information report. It was therefore felt that it would be in the interest of all concerned to defer the determination of the application until such a time that application DMN/111899/O was determined.

RESOLVED

THAT the determination of the application be deferred.

130. DMN/111770/F - LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mr Drew, representing Pyons Group Parish Council, and Mrs McLeod, a neighbouring resident, spoke in objection to the application and Miss Wright, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AJM Blackshaw, the local ward member, commented on a number of issues, including:

- The site proposed by the Parish Council and the local residents in their submission should be considered.
- The exception to Unitary Development Plan H10 was only valid if there were no other suitable sites within the settlement boundary.
- The Committee could focus on the UDP or could embrace the themes coming from the LDF and the Localism Act.
- The proposed layout was contrary to UDP policy DR1.

Members discussed the application and felt that the site inspection had been extremely beneficial in assisting them in addressing the concerns raised by the local residents and the parish Council. They also thanked the Principal Planning Officer for highlighting the alternative site proposed by the Parish Council during the site visit.

The Committee noted that a hedge was proposed to be removed as part of the application and it was felt that this could have a detrimental impact on pedestrian safety.

In response to a question, the Assistant Director - Economic, Environment & Cultural Services advised that if the application had been for open market housing it would have been contrary to policy however as it was for affordable housing it fell into an exception category. He advised Members that they should determine the application on its merits as a rural exception.

Members continues to debate the application and felt that the concerns raised by the Parish Council and the local residents would be given significant weight in determining the application.

The issue of density of the proposed site was also raised with the committee of the opinion that 14 dwellings on the site may result in over intensification. Members also questioned whether the design of the development was in keeping with the village of Canon Pyon with a number of Members expressing concern in respect of the layout of the proposed dwellings, with the gable end adjacent to the road.

Members appreciated the sustainable aspect of the proposed development and welcomed the inclusion of photovoltaic solar panels as part of the application. It was also noted that the application was on a bus route, further enhancing the sustainable nature of the proposal. However it was still considered that the application site was not in the right place and that the site should be protected.

In response to a question regarding the proposed replacement footpath, the Principal Planning Officer confirmed that it would be widened to two metres.

Councillor AJM Blackshaw was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The Localism Act was at the heart of decentralisation and should be at the forefront of Members thinking.
- The applicant was encouraged to engage with the Parish Council and further encouraged to consider a development on the alternative site proposed.

Neither the Head of Neighbourhood Planning nor the Locum Lawyer, representing the Monitoring Officer, requested a further information report and the Committee therefore proceeded to the vote where the resolution as set out below was agreed.

RESOLVED

THAT the application be refused for the following reasons:

- 1. The design and layout of the application is out of character with the village of Canon Pyon.**
- 2. There would be a significant environmental impact as a result of the loss of the mature hedgerow.**

131. DMS/113120/F - MARSH FARM, TANHOUSE ROAD, UPTON BISHOP, HEREFORDSHIRE, HR9 7UP

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

The Senior Planning Officer confirmed that there was an error in the title of the report and that 'Tanhouse Road' should be amended to read 'Tanhouse Lane'.

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:

- He agreed with the Officer's report.
- The refurbishment to the house and barn was welcomed.
- The Parish Council was also in support of the application.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the local planning authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's Planning Obligations Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. D05 Details of external joinery finishes**
- 5. F14 Removal of permitted development rights**
- 6. H09 Driveway gradient**
- 7. H13 Access, turning area and parking**
- 8. H12 Parking and turning - single house (2)**
- 9. G09 Details of Boundary treatments**
- 10. E02 Archaeological survey and recording**
- 11. I18 Scheme of foul drainage disposal**
- 12. The recommendations set out in the ecologist's report dated October 2011 should be followed in relation to the identified protected species (bats and birds) unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full habitat enhancement**

scheme and working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. HN01 Mud on highway**
- 2. HN04 Private apparatus within highway**
- 3. HN05 Works within the highway**
- 4. N11C General**
- 5. N15 Reason(s) for the Grant of PP/LBC/CAC**

132. DMS/112643/F & DMS/113213/G - WESTHOLME, FOWNHOPE, HEREFORDSHIRE, HR1 4NN

The Development Manager (Hereford and Southern Localities) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

He advised the Committee that the report now made reference to a linked application in respect of the discharge of the existing Section 106 Agreement on the site. He advised Members that there was a restriction on further development of the site as a result of the Section 106 Agreement granted in 1992 at a time when the site was outside of the settlement boundary. He added that the site now fell within the settlement boundary so the Section 106 Agreement served no purpose.

In accordance with the criteria for public speaking, Mr Clark, representing Fownhope Parish Council, and Mr Jolley, a neighbouring resident, spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Hardwick, the local ward member, commented on a number of issues, including:

- The planning history of the site, including the Section 106 Agreement, had to be considered when determining the application.
- The site fell on a highly visible piece of green open space at the gateway to the village.
- The proposed application failed to preserve or enhance the conservation area and was therefore contrary to UDP policies HBA6 and HBA9.
- The proposed application was also contrary to UDP Policy LA5 due to the loss of several trees on the site.
- The application was a concern to the local residents and the Parish Council, whose comments should be noted.
- The proposed dwellings were too large in scale.

Members discussed the application and felt that the site visit had proved beneficial in assessing the application and highlighting the concerns of the local residents. The existing Section 106 Agreement was noted but the Committee was of the opinion that planning policy had changed and that the site was now contained within the settlement boundary and therefore the Section 106 Agreement should be discharged as per the application.

Some Members of the Committee had reservations in respect of the design of the development and felt that a single storey development on the site would be more acceptable and would also appease the concerns of some of the neighbouring residents' concerns.

Councillor J Hardwick, the local ward member, was given the opportunity to close the debate and reiterated his opening remarks.

RESOLVED

In respect of DMS/112643/F that planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**
- 3. C01 Samples of external materials**
- 4. F07 Domestic use only of garage**
- 5. F17 Obscure glazing to windows**
- 6. G11 Landscaping scheme - implementation**
- 7. G07 Protection of trees covered by a Tree Preservation Order**
- 8. G03 Retention of existing trees/hedgerows**
- 9. G12 Hedgerow planting**
- 10. H03 Visibility splays**
- 11. H09 Driveway gradient**
- 12. H13 Access, turning area and parking**
- 13. H27 Parking for site operatives**
- 14. Foul water and surface water discharges shall be drained separately from the site.**

Reason To protect the integrity of the public sewerage system.

- 15. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the local planning authority.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 16. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.**

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 17. K5 Habitat Enhancement Scheme (to include working method statement)**

Informative:

- 1. N15 Reason(s) for the Grant of PP/LBC/CAC**

In respect of DMS/11321/G that the Planning Obligation associated with Application No. SH920169PO be discharged for the following reason:

- 1. The local planning authority consider that the provisions of the Section 106 Agreement dated 5 August 1992 to restrict residential development on land adjacent to Westholme, Fownhope, Herefordshire, reference SH920169PO, is no longer required and does not serve a useful planning purpose.**

133. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.57 pm

CHAIRMAN

PLANNING COMMITTEE

1 February 2012

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.

DMN/111899/O - AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 127 DWELLINGS (35% TO BE AFFORDABLE) WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED FOR FUTURE CONSIDERATION AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE

For: Ms N Harrison per Mr John Cornwell, Oakview House, Station Road, Hook, Hampshire, RG27 9TP

ADDITIONAL REPRESENTATIONS

Seven further letters have been received expressing objections / concern to the proposed development on the following summarised grounds:-

- Concern as to the juxtaposition of the proposed residential development in close proximity to several industrial premises some of which operate on a 24 hour a day basis;
- Further land is necessary for employment related development in Bromyard and the application site would be suitable; and
- Concern with regard security.

Two letters of support have been received. They emphasise:-

- The advantages of building more houses within Bromyard – creating greater expenditure capacity thus enhancing the viability and vitality of the Town Centre, bringing more children into the schools
- The application site would not be attractive as an employment site due to the problems associated with larger vehicles accessing the site;
- The noise issue has been satisfactorily addressed and the managing director Polytec has no objections; and
- The Section 106 contributions would be of benefit to the local community especially sporting facilities.

OFFICER COMMENTS

The Officer has no further comment to make upon the above representations

Following receipt of legal advice, changes are recommended to three conditions to effectively tighten them up.

CHANGE TO RECOMMENDATION

Amend condition 7 by substituting the words “fully implemented with the word “completed”

Amend condition 10 by substituting the words "None of the dwelling houses hereby permitted shall be occupied" with the words "No building operation shall take place" and the words "fully implemented" with the word "completed".

Amend condition 22 by inserting the words "including timescale for implementation", after the word "Species".

DMN/111900/N - RETROSPECTIVE PLANNING APPLICATION FOR THE RETENTION OF AN EXISTING BUND AND ITS REMODELLING WITH APPROPRIATE ENGINEERING WORKS AND LANDSCAPING OF THE REMODELLED BUND AT PORTHOUSE FARM, TENBURY ROAD, BROMYARD, HEREFORDSHIRE, HR7 4NS

For: Ms N Harrison per Mr John Cornwell, Bell Cornwell LLP, Oakview House, Station Road, Hook, Hampshire, RG27 9TP

ADDITIONAL REPRESENTATIONS

Mr B Hunt has sent an email (30 January 2012) offering general support for the proposal

OFFICER COMMENTS

The comments are noted

NO CHANGE TO RECOMMENDATION

DMN/111770/F - ERECTION OF 14 NO. AFFORDABLE HOMES ON GREENFIELD SITE INCLUDING REQUIRED ACCESS AND SERVICES AT LAND ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ

For: Two Rivers Housing per Mr Colm Coyle, Imperial Chambers, Longsmith Street, Gloucester, GL1 2HT

ADDITIONAL REPRESENTATIONS

A letter has been received from a Mr Davies who has farmed the field for the past 20 years. He expresses his concern at the emotive language used in a recent newspaper article.

He also says that he has been unable to persuade his cattle to eat the grass from the meadow, attributing this to the unpalatable species evident within the meadow. He advises that the grass has been cut for hay and salt added to it to improve it, but this has not proved to be successful. This has been compounded by the fact that the meadow is infested with moles. Hay would then be full of soil and this increases opportunities for disease to spread, particularly *Listeria* and *Neospora*.

He concludes by saying that the field is too small to farm with modern agricultural machinery and that, in his opinion, it has little agricultural value.

OFFICER COMMENTS

The letter offers an opinion in terms of the practicalities of using the field for agricultural purposes. Its contents are not critical in terms of the recommendation and consequently there is no change to it.

NO CHANGE TO RECOMMENDATION