

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 29 January 2014 at 10.00 am

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

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, MAF Hubbard, JG Lester, RI Matthews, FM Norman, J Norris, J Stone and GR Swinford

120. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JW Hope MBE, RC Hunt, Brigadier P Jones CBE, PJ Watts and DB Wilcox.

The Chairman welcomed Councillors EMK Chave and J Norris as new members of the Committee.

121. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor J Stone attended the meeting as a substitute member for Councillor JW Hope MBE.

122. DECLARATIONS OF INTEREST

There were no declarations of interest.

123. MINUTES

RESOLVED: That the Minutes of the meeting held on 8 January 2014 be approved as a correct record and signed by the Chairman, subject to Minute numbers 112 and 116 being amended to reflect that Councillor AN Bridges had declared an interest in relation to agenda item 8 – Land at Mill Street , Leominster, not agenda item 7.

124. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

125. APPEALS

The Planning Committee noted the report.

In relation to application 122747/0 – land at Home Farm, Belmont, Hereford, the Development Manager confirmed that the appeal had determined that the Council did not have the required five year supply of housing. The Chairman stated that he would arrange for information to be provided to Members on the matter. He also agreed to review the detail provided in the report on appeals and consider if it would be useful to

include information on whether an appeal related to an application determined under delegated powers or by the Planning Committee.

126. 132230/O LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ

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, as appended to these Minutes. She noted that if the Committee had concerns about visibility at the access, as indicated at the site visit, a condition could be imposed providing for this matter to be resolved in consultation with the local ward member.

In accordance with the criteria for public speaking, Mr P Burridge, Vice-Chairman of Credenhill Parish Council spoke in opposition to the Scheme. Mr C Lewis, a resident, spoke in objection. Mr A Murphy, the Applicant's agent spoke in support. In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RI Matthews, the local ward member, spoke on the application.

He commented on a number of issues including:

- The access was unsuitable. Permission had previously been granted for an agricultural access only, subject to conditions. There were 7 entrances on that stretch of the A480 and the traffic was heavy with almost 6,000 vehicles recorded over a 24 hour period. There was a busy pedestrian crossing. The location of the bus stop was also very dangerous. Drivers did not have a good view. There was a sharp drop and a sharp bend. Road safety in this location was a longstanding concern with representations having been made by the Parish Council over a number of years for a bus pull in place and signage.
- He referred to an e-mail from a Council engineer which he said described the access as sensitive and indicated that development of the site would add to an existing problem.
- No one was totally opposed to development although there would be a loss of privacy and an impact on the existing listed buildings.
- The Heads of Terms appended to the report had not been discussed with him as local ward member or with the Parish Council
- He had written confirmation that a landowner would be prepared to sell land for a bus layby.
- He urged that the application be refused or deferred for further consideration of the highway safety issues.

The debate opened and the following principal points were made:

- It was proposed that consideration of the application should be deferred to permit further consideration of a solution to the concerns about the safety of the access to the site. The local ward member and the Parish Council should be involved in these discussions.
- The Committee needed to be mindful of how a Planning Inspector would view the application if the Committee refused permission and an appeal was lodged. With regard to the access the Transportation Manager had stated that standard visibility was to be provided in accordance with the Manual for Streets. It also could not be argued that the development was an over intensification. There were developments in the vicinity that were of a higher intensification.

- The report stated that the five year Personal Injury Accident history recorded that there had been only one injury accident at the location. It was asked why the local experience, as presented to the Committee, that there had been a number of accidents, was so at odds with the official record. In reply the Development Manager stated that the local accounts were not being dismissed but unfortunately for some reason the official record differed and this created a difficulty. It was suggested that local incidents may not have been reported accounting for the discrepancy.
- The boundary wall fronting the A480 was characteristic of the County and should be retained, or rebuilt further back from the road.
- Clarification was sought on the assessment of the site in the context of the Strategic Housing Land Availability Assessment. The Development Manager commented that in strategic terms the site was considered to have high constraints, given the access issues and the heritage impact. However, this did not preclude consideration of development of the site. Officers considered the development acceptable having weighed in the balance whether the development was significantly or demonstrably harmful against the presumption in the National Policy Planning Framework in favour of sustainable development.
- The Development Manager confirmed that if the Committee were to defer consideration of the application the applicant would have grounds to appeal on the basis of non-determination. He emphasised that it was fundamental that in considering the application the Committee could only consider relatively minor changes within the area outlined in the application. It could not stray into discussion of the scope for negotiations with another landowner outside the application site. That would necessitate a different application.
- Proposals both for accepting the recommendation and refusing the application were made but not seconded.
- A number of members expressed concern about road safety and were of the view that there was scope for an improved solution.
- It was suggested that further information and reassurance was needed in response to the concerns expressed in the letters of objection about a lack of sewerage capacity.

The Principal Planning Officer commented that one of the reasons the application had taken time to process was the detailed discussion that had already taken place on highway safety issues. Paragraph 32 of the NPPF stated that, "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Officers did not consider that the impact of the scheme was severe or represented significant and demonstrable harm.

The Legal Officer reiterated the comments of the Officers in relation to policy considerations and the possibility of an appeal. A lot of discussion had clearly already taken place on the application and there must be a question over how much would be gained by further discussion. If the Committee were minded to refuse the application reasons would need to be advanced with evidence in support.

The local ward member was given the opportunity to close the debate. He reiterated that the highway safety issues were of great concern but he believed there was scope for further discussion.

RESOLVED: That consideration of the application be deferred to a future meeting to allow for further information to be provided.

127. 132701/F AMBERLEY HEIGHTS, SUTTON-ST-NICHOLAS, HEREFORD, HR1 3BS

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, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr J Ashcroft, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie, the local ward member, spoke on the application.

She commented on a number of issues including:

- There were several clusters of houses in the vicinity. The proposed dwelling was not isolated. There were close links with both Marden and Sutton St Nicholas.
- She highlighted paragraph 4.3 of the report setting out the Housing Team's view that the application was for someone in housing need, who could not purchase a suitable dwelling on the open market. In addition there were no suitable affordable housing properties available.
- The applicant's son had specific medical needs. He was a local person and a local support network of family and friends was available to him.
- Marden Parish Council supported the application.
- Seven letters of support had been received and no letters of objection.
- The development would not have any visual or landscape harm. The access was good.
- The Scheme was in accordance with paragraphs 5.5, 14 and 5.5.17 of the Unitary Development Plan and paragraph 22 of the National Planning Policy Framework.

She invited the Committee to support the application.

The debate opened and the following principal points were made:

- That the application should be supported, subject to a S106 agreement to ensure that property remained affordable housing in perpetuity.
- Policies supported the development.
- The circumstances were exceptional and the development was sustainable and supported by UDP policies H6, H10 and H13.
- The application was finely balanced in planning policy terms. However, the property would not be isolated. It was sustainable. The report acknowledged the Council did not have the required 5 year housing land supply. Applying the test in the NPPF, the benefit of the development outweighed the harm.
- The Committee was not responsible for supporting social care matters and policies dictated that the application should be refused on the grounds identified by officers in the report.

The Development Manager commented that sustainability was a subjective matter. The NPPF required consideration to be given to three aspects: the economic, social and environmental dimensions of sustainable development. The application had social benefits, some marginal economic benefits and limited environmental impact. It was therefore possible to argue in this case, on balance, that the benefits of the application outweighed the material disbenefits. It was essential, however, that if planning

permission were to be granted that this was conditional upon a S106 agreement to ensure that property remained affordable housing in perpetuity.

The local ward member was given the opportunity to close the debate and reiterated her support for the application.

RESOLVED: That planning permission be granted subject to a S106 agreement being agreed to ensure that the property remained affordable housing in perpetuity and officers named in the scheme of delegation be authorised to finalise the conditions.

INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has considered the location of the development but subsequently determined to grant planning permission based upon the weight attached to the social and economic role of sustainable development and the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

(The meeting adjourned between 11.55 am and 12.05pm)

128. 132588/F 1 HATTON PARK, BROMYARD, HEREFORDSHIRE, HR7 4EY

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr R Parsons, the applicant spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors A Seldon and JG Lester, the local ward members, spoke on the application.

Councillor Seldon highlighted paragraph 6.7 of the report, the proximity of the development to a shop and to the Queen Elizabeth Humanities College, and the additional traffic the development would generate. He considered that the application should be refused on the grounds of highway safety.

Councillor Lester commented on a number of aspects including:

- Bromyard and Winslow Town Council had objected to the proposal on highway safety grounds. He too had concerns about highway safety.
- The proposal would entail some loss of amenity for the residents of the Hatton Park cul-de-sac because of the additional vehicle movements.
- He welcomed the aspiration to enhance services which the application involved.

The debate opened. Concern was expressed about the highway safety issues and a proposal was made that a site visit should be undertaken.

RESOLVED: That consideration of the application be deferred for a site visit and consideration at a future meeting.

129. 132830/F THE CO-OPERATIVE FOOD STORE, GRANDSTAND ROAD, HEREFORD, HR4 9LT

The Development Manager gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors PA Andrews and EMK Chave, two of the three local ward members, spoke on the application.

Councillor Andrews commented that the principal concern related to the amenity of residents if taxis queued in the lay by and on the roadside. She had been assured that this would not occur and on that basis supported the application.

Councillor Chave also doubted that there would be a difficulty caused by taxis and supported the application on that basis.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **C01 – Time limit**
2. **C07 – Development in accordance with approved plans**
3. **The use of the taxi office shall be restricted to the telephone based booking of taxis and for the radio controlled co-ordination of taxi driver employed by the Hereford Rank Taxi Association and for no other purpose.**

Reason: To maintain control over the nature of the use and to minimise the risk of unacceptable vehicular activity in the vicinity of the premises in the interests of both highway safety and residential amenity in accordance with Policies DR2 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

INFORMATIVE:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

130. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 12.34 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 29 JANUARY 2014

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.

SCHEDULE OF COMMITTEE UPDATES

1	P132230/O - SITE FOR ERECTION OF NINE HOUSES AND ASSOCIATED DEVELOPMENT AT LAND ADJACENT TO CROSS FARM, CREDENHILL, HEREFORDSHIRE, HR4 7DJ For: Mr Griffiths per Stansgate Planning LLP, 9 The Courtyard, Timothy's Bridge Road, Stratford upon Avon, Warwickshire, CV37 9NP
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ADDITIONAL REPRESENTATIONS

One additional letter has been received from Mr and Mrs Stewart who reiterate their previous comments.

Following the site visit the applicant's agent has provided a plan identifying the proposed and existing positions of the wall that fronts the A480 and made the following suggestions / comments in respect of options for this boundary as follows:

1. The wall remains intact. The Transportation Manager accepts a 70m visibility splay (as existing).
2. Wall reduced in height to 600mm
3. Wall demolished and new 1.2m tall post and rail fence erected (with hedge behind). This is better for the root structure.
4. Wall demolished and new 1.2m tall wall erected 1m away.

NO CHANGE TO RECOMMENDATION

2	132701/F - PROPOSED ERECTION OF LOW COST MARKET BUNGALOW FOR REGISTERED DISABLED PERSON AT AMBERLEY HEIGHTS, SUTTON ST NICHOLAS, HEREFORD, HR1 3BS
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For: Mr Ashcroft per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH

OFFICER COMMENTS

An appeal (2207787) on the land immediately adjacent to the site for the temporary stationing of a mobile home in connection with an established rural business was dismissed last week. Whilst the focus of this was on the functional need for a dwelling, the issue of sustainability was also considered. The inspector concluded:

“Sustainable location for development

...19. Notwithstanding the proximity of the Amberley Arms, most local services are some distance from the appeal site. I accept that the main nearby villages of Sutton St Nicholas and Marden provide a fairly wide range of services for a rural area, including a number of shops, post office, schools, further public houses, churches and village halls. I note also that, from a bus stop adjacent to the site, there is an hourly service between Hereford and Leominster.

However, I agree with the Council’s view that the villages are on the cusp of acceptable walking distance from the site and that the routes are not ideal for pedestrians, being for the most part along unlit lanes with no footway.

20. Overall, therefore, I have concerns as to whether the proposal would represent a sustainable form of development, with particular regard to accessibility by a choice of modes of transport and relationship to local services and amenities.

The relatively isolated location and restricted access to services indicate conflict with the objectives of the Framework, particularly paragraph 55, and UDP Policies S1 and S2, which aim to promote sustainable forms of development...”

NO CHANGE TO RECOMMENDATION