

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford, HR1 1SH on Friday, 2nd March, 2007 at 10.00 a.m.

Present: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice Chairman)

Councillors: B.F. Ashton, H. Bramer, Mrs. C.J. Davis, J.G.S. Guthrie, P.E. Harling, J.W. Hope MBE, B. Hunt, Brig. P. Jones CBE, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, Ms. G.A. Powell, D.C. Taylor, J.P. Thomas, W.J.S. Thomas and W.J. Walling

In attendance: Councillors P.J. Edwards

115. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs PA Andrews, PJ Dauncey; DJ Fleet; Mrs G Hyde; R Preece; and PG Turpin.

116. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

MEMBER	SUBSTITUTE
DJ Fleet	WJS Thomas
Mrs J Hyde	H Bramer
R Preece	JP Thomas
PG Turpin	Ms G Powell

117. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting

118. MINUTES

RESOLVED: That the Minutes of the meeting held on 19th January, 2007 be approved as a correct record and signed by the Chairman

119. CHAIRMAN'S ANNOUNCEMENTS

The Forward Planning Manager said that following the meeting of Council on 9th February and the publication of the statutory notices, the Herefordshire Unitary Development Plan (UDP) would be adopted on 23rd March 2007. From this date the UDP would replace the structure and local plans and for the first time would provide a consistent set of current planning policies across the County. The development plan for the purposes of the determining planning applications would comprise the Regional Spatial Strategy and the UDP itself. The UDP would be in force for a minimum of three years during which it would be progressively replaced by elements of the Local Development Framework.

120. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 31st January, 2007 be received and noted.

121. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 17th January and 7th February, 2007 be received and noted.

122. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the reports of the meetings held on 24th January and 21st February, 2007 be received and noted.

123. REPORTS OF THE HEAD OF PLANNING SERVICES

The Committee considered the following planning application and authorised the Head of Planning Services to impose any additional or varied conditions and reasons which he considered to be necessary

124. DCCW2006/3705/F - NEW DETACHED HOUSE WITH GARAGE AND VEHICULAR ACCESS THERETO AT WEIR VIEW, BREINTON, HEREFORD, HR4 7PR

The Development Control Manager presented his report about an application for a detached house and garage on land outside the settlement at Breinton. He said that the Central Area Planning Sub-Committee had been mindful to approve the application at its meeting on 7th February 2007, contrary to recommendation. The Head of Planning Services had subsequently decided to refer it to the Planning Committee because of the crucial planning policy issues involved. The Sub-Committee had expressed the view that a policy intended to restrict new residential development outside an existing settlement was not appropriate to Breinton Common, which had previously been identified as a small settlement in the former South Herefordshire District Local Plan. The Sub-Committee had taken the view that the proposal constituted an acceptable form of infill development and that it would not have a detrimental impact on the nature and character of the village.

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

Councillor RI Matthews, the local Ward Member, said that the applicants had started the proceedings leading to their application some twelve months ago and he felt that some flexibility could be shown within the Council's Planning policies because at that time the UDP was some way from being adopted. He drew attention to other applications that had been approved in the vicinity under delegated powers and said that the Sub-Committee was in full support of it. He felt that the application site formed a natural part of the village and that approval with the appropriate conditions would not be detrimental to the area. He suggested that these should include retention of the hedgerow to the front of the site so that it provided suitable screening. He pointed out that none of the residents of adjoining properties had raised any objections to the application. Councillor JGS Guthrie was also of the opinion that the application was on a natural infill site and an attractive design which would enhance the village. Councillor BF Ashton had a great deal of sympathy for the circumstances which the applicant found himself in but pointed out that the planning policies within the UDP already carried significant weight and that the council should not be in a situation where it was in breach of its own policies,

particularly those which were only just coming into force.

The Development Control Manager drew the attention of the Committee to the advanced stage UDP which was expected to be formally adopted by 23rd March, 2007. He said that the views expressed in support of the application were at variance with the policies within the UDP to restrict the status of the smaller settlements to those with local amenities. He pointed out that Breinton Common did not fulfil the required criteria and was therefore not included in the list of Smaller Settlements in which some development could be permitted. He pointed out that no objections had been received about this during the UDP consultation process and that there was a significant risk that granting planning permission could set a precedent for further development in the locality and may have implications for other similar settlements. He also drew attention to the local parish council's objection to the application and support for the policies within the UDP. The Head of Planning Services reiterated the policy issues involved and also said that it was inappropriate to consider the personal circumstances of the applicant in the light of these. He said that there was a need for reasonableness and to weigh the material considerations against the planning policies.

Having considered all the facts relating to the application and the advice given by officers, the Committee decided that because of the particular circumstances and location involved, an exception could be made to the Council's planning policies and that it should be approved.

RESOLVED THAT

planning permission be granted subject to a condition requiring the trees at the front of the site not to be removed and subject to any appropriate conditions considered necessary by the Head of Planning Services.

125. PROPOSED REVISED PLANNING ENFORCEMENT POLICY

The Development Control Manager presented a report proposing an update of the Council's Planning Enforcement Policy. He said that the current Policy was approved in 2003 and was published on the Council's website. Since 2003 however there had been changes in the policy background to planning enforcement, a major one being the replacement of the former local and structure plans by the Unitary Development Plan. There had also been some adjustments to Enforcement Practice including the introduction of six monthly reports to the Committee about activity within the Enforcement Section. He felt that in view of these changes it would be helpful to update the Policy. He explained what the proposed changes were, how they could be put into effect and answered questions from Members.

The Committee endorsed the proposals put forward by the Development Control Manager and the Cabinet Member (Environment) expressed his appreciation for the work undertaken by officers regarding enforcement.

RESOLVED THAT;

The revised Planning Enforcement Policy be endorsed and commended to the Cabinet Member, Environment for approval as a policy of the Council to come into effect upon the adoption of the Unitary Development Plan.

126. STATEMENT OF COMMUNITY INVOLVEMENT

The Forward Planning Manager presented his report which recommended adoption of the Council's Statement of Community Involvement (SCI) and advised of the Inspectors report into the soundness of the document. He said that the SCI was required as part of the new planning system and that it set out how the Council would consult on planning matters and fulfil the requirements of that system. He said that the Inspector had found the SCI to be sound, subject to twelve recommendations being implemented. He also drew attention to the fact that unlike the previous system where the Council had flexibility about adopting the Inspector's recommendations, under the new system the recommendations were binding. He also drew attention to the fact that in accordance with Regulation 35 of the new system, the Council was required to publish the Inspectors report and he outlined the arrangements for this.

The Committee noted the latest position with the SCI and agreed with the proposals recommended by the Forward Planning Manager.

RESOLVED

that the Cabinet Member (Environment) be requested to receive the Inspectors Report and submit the revised SCI to Cabinet for adoption as the Council's policy in respect of consultation on planning matters, in line with the Town and Country Planning (Local Development)(England) Regulations 2004.

127. DATE OF NEXT MEETING

Friday 20th April, 2007

The meeting ended at 12.20 p.m.

CHAIRMAN