

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 25th November, 2005 at 10.00 a.m.**

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

**Councillors:** Mrs. P.A. Andrews, A.C.R. Chappell, M.R. Cunningham, P.J. Dauncey, Mrs. C.J. Davis, D.J. Fleet, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson and W.J. Walling

**In attendance:** Councillors P.J. Edwards and R.M. Wilson

**57. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors BF Ashton, R Preece and DC Taylor.

**58. NAMED SUBSTITUTES (IF ANY)**

The following named substitutes were appointed;-

Councillor Mrs PA Andrews for Councillor BF Ashton;  
Councillor ACR Chappell for R Preece; and  
Councillor Ms G Powell for Councillor DC Taylor.

**59. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
PJ Edwards & Mrs G Powell	Agenda Item 10 (Minute No 65) – DCCW2005/2654/F – Change of use to public open space and provision of play equipment and kickabout area at land behind 10 – 80 Dorchester Way, Belmont, Hereford, HR2 7ZP.	Personal and left the meeting for the duration of this item.
RM Wilson	DCCE2005/2967/F - conversion of and alterations to period barn to form offices barn at Monks Orchard, Lugwardine, Hereford  For: Mr R Shimmin, James Spreckley MRICS FAAV, Brinsop House, Brinsop, Herefordshire, HR4 7AS	Prejudicial - left the meeting for the duration of this item.

**60. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 30th September, 2005 be approved as a correct record and signed by the Chairman, subject to the deletion of 'Apologies for absence were received from Councillor DJ Fleet' in Minute 43 and 'Councillor Mrs PA Andrews was appointed named substitute for Councillor D.J. Fleet' in Minute 44.

**61. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

**BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER**

The Northern Area Planning Sub-Committee refused an application for planning permission in respect of a large utility building containing a discotheque, jacuzzi, shop and similar facilities at Brierley Court Farm in May 2004. The Council subsequently obtained an injunction preventing any further work being undertaken on the site some two days later. The injunction remained in force and proceedings were successfully brought by the Council against the landowner earlier this year when the injunction was breached. The developer subsequently sought to bring an appeal to the First Secretary of State in respect of the Sub-Committee's refusal and an Inquiry was held by the Inspector at Hereford in July 2005. The appeal was brought against two planning enforcement notices and also the refusal to grant planning permission. The Inspector decided in favour of the Council's action and dismissed the appeals.

**UK PLANNING DOCUMENT IMAGE PROCESSING**

In early December 2005 Planning Services the UK Planning document image processing system would be introduced. The system will allow the details of all new planning applications to be scanned and published on-line and provide a much improved system for the public and for the Council. The details of all new applications (including plans, drawings, forms and letters) can be viewed on the Internet and Council Intranet. In the future, this will permit paperless on-line consultation with external agencies and enable representations on applications to be submitted and viewed on-line. The implementation of this system will move the Council a significant way towards meeting the national e-planning requirements stipulated by the Office of the Deputy Prime Minister."

**PLANNING SERVICES BY INFO**

Work was underway for the implementation of a project to migrate the customer services currently provided from the Blueschool House front desk to the Info customer contact centers in Hereford and the market towns. This project would enable the new way of delivering customer services to be in place before a possible relocation of Planning Service to Plough Lane later in 2006. In addition to enhanced levels of service being provided by Info staff, planning inquiries by telephone would be dealt with via a new Council "Info by Phone" service also based at Plough Lane."

**62. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 5th October and 2nd November, 2005 be received and noted.

**63. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 19th October and 16th

November, 2005 be received and noted.

**64. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 28th October and 26th November, 2005 be received and noted.

**65. DCCW2005/2654/F - CHANGE OF USE TO PUBLIC OPEN SPACE AND PROVISION OF PLAY EQUIPMENT AND KICKABOUT AREA AT LAND BEHIND 10 - 80 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZP FOR: HEREFORDSHIRE COUNCIL PER PARKS & COUNTRYSIDE, QUEENSWOOD, P.O. BOX 41, LEOMINSTER, HEREFORDSHIRE, HR6 0ZA**

The receipt of a petition signed by 700 persons in favour of the application was reported.

The Committee had undertaken a site inspection on 8th November, 2005 prior to considering the application further. The Development Control Manager outlined the main aspects of the application and the type of play equipment that that was proposed. He also pointed out where it would be possible to locate the equipment on the land and also in relation to the boundary with the adjoining former landfill site. The Committee considered the views about the application submitted by the Police, the Parish Council and local residents together with the concerns that had been raised by residents living adjacent to the site. The receipt of a six-page petition received from residents asking for the land to be devoted to public open space but not provided with play equipment was also noted.

Councillor RI Matthews felt that the application complied with the Council's policies and that careful landscaping and consideration of the location would help to overcome the objections. There were limited opportunities to make such provision at Belmont and the site satisfied the Council's requirements for open space and play provision there. Councillor ACR Chappell said that whilst recognising the concerns of some of the local residents, similar provision had been made in a residential area within his Ward and had proved to be very successful. Councillor WJ Walling shared the concerns of the objectors and thought that the proposal would create noise and nuisance for the adjoining residents.

Having considered all the aspects of the application, the Committee decided that the application should be approved but that great care should be taken to minimise the impact on the adjoining residents.

**RESOLVED**

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

**1. A01 (Time limit for commencement (full permission)).**

**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

**2. The development hereby approved shall be laid out in accordance with the details submitted with the planning application unless otherwise agreed in writing with the local planning authority.**

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **G04 (Landscaping scheme (general)).**

**Reason: In order to protect the visual amenities of the area.**

4. **G05 (Implementation of landscaping scheme (general)).**

**Reason: In order to protect the visual amenities of the area.**

5. **H29 (Secure cycle parking provision).**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**Informative:**

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

**66. DCNW2005/1819/F - USE OF LAND AND ERECTION OF WORKSHOP AND OFFICE FOR COACH HIRE BUSINESS AT PAYTOE LANE, LEINTWARDINE, HEREFORDSHIRE**

The receipt of a letter from the applicant's agent and a petition from 56 persons in support was reported.

The Development Control Manager said that the Northern Area Planning Sub-Committee had previously delegated the Officers to approve the application, subject to the applicant first satisfying the requirements of the Environment Agency and the Environment Agency withdrawing its objection to the application. The applicant had subsequently submitted a Flood Risk Assessment but the Environment Agency had maintained their objection on the grounds that there had not been a proper assessment of flood risk. The Northern Area Planning Sub-Committee was minded to approve the application and it had been referred to the Planning Committee by the Head of Planning Services in view of the Environment Agency's objection and to give it the opportunity to make further representations, as required by PPG25.

Councillor Mrs. L.O. Barnett, the Local Ward Member referred to the level of support voiced by the Sub-Committee and by the local Community in recognition of the need to assist with the survival of a rural business such as that of the applicant. She commented that there was no other suitable site in Leintwardine and that there appeared to be negligible risks from any flooding, particularly as the proposal would be for coaches and not housing. She noted the credentials of the author of the Flood Risk Assessment and questioned the views of the Environment Agency which appeared to relate to extremely infrequent flooding in the area. She said that there were other sites nearby which were subject to a greater risk of flooding and felt that the applicant was being unduly hindered. She noted that the Environment Agency considered the site to be at risk during the 1 in 100 year flood event but suggested that this was not a sufficient reason for refusal considering the importance of rural business and, in this case, rural transport.

The Committee supported the Local Ward Member and noted that there was a similar development nearby and felt that it would be irrational to refuse this application. It was considered that the effects of potential flooding would be minimal given the proposed use and that there was no evidence available that local residents considered themselves to be in peril. Given the specific nature of the business and

they way in which it operated, the vehicles could be moved easily if flooding was imminent.

The Development Control Manager said that if the Committee was minded to approve the application, conditions needed to be imposed about protective earth bunding and petrol/oil interceptors in the drainage.

**RESOLVED:**

**That the application be approved subject to appropriate conditions about protective earth bunding and petrol/oil interceptors in the drainage, any further conditions felt to be necessary by the Head of Planning Services, and the Environment Agency being satisfied**

**67. DCSE2005/2475/F REMOVAL OF CONDITION 2 FROM PLANNING PERMISSION SE2004/4117/F DATED 16/2/05, THE GRANGE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE.**

The Development Control Manager said that at its meeting on 28th September, 2005 the Southern Area Planning Sub-Committee was minded to refuse permission against the recommendation on the grounds that the creation of a separate dwelling on the site would be detrimental to the setting of the listed building at The Grange.

The Head of Planning Services had referred the application to the Committee on the grounds that the reasons given for refusal did not provide a substantive basis on which to mount a strong defence of the decision in the event that it was the subject of an appeal.

The Committee considered details of the application and noted that on planning grounds it was within the settlement of Aston Crews and complied with Local Plan Policy is SH.10, thereby making the principle of a separate dwelling acceptable. Concerns had been raised by the Sub-Committee that there was no separate curtilage, access and parking area. Due to the layout of the site the privacy of the occupiers of the main house would not be unacceptably harmed and there would be a car parking and turning area commensurate with the size of the new residential unit. Notwithstanding this, Councillor Mrs JA Hyde felt that the application was a step too far for the listed building and that the concerns of the local parish councils and the community should be taken into account.

Having considered all the aspects of the application, the Committee decided that there were insufficient grounds for it to be refused

**RESOLVED**

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

**1. A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2. G01 (Details of boundary treatments )**

**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**

**3. H10 (Parking - single house )**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**Informative(s):**

**1. N15 - Reason(s) for the Grant of Planning Permission**

**68. DCCE2005/2619/F - CHANGE OF USE OF GROUND FLOOR FROM CLASS A1 (RETAIL) TO CLASS A5 (TAKEAWAY) AT 2 HOLME LACY ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BYFOR: THE CO-OPERATIVE GROUP PER PEGASUS PLANNING GROUP, 2-10 KINGS PARADE MEWS, CLIFTON, BRISTOL, BS8 2RE**

The Central Team Leader said that at its meeting on 28th September, 2005 the Central Area Planning Sub-Committee was minded to refuse permission against the recommendation on the grounds of the potentially adverse effects on highway safety and residential amenity. He said that the Head of Planning Services had considered the proposal and noted that both the Highways Agency and the Traffic Manager did not object to the application. In the light of these views he referred the application to the Committee because the highway safety reason for refusal did not provide a substantive basis on which to mount a defence of the decision if an appeal was lodged.

In accordance with the criteria for public speaking, Mr. Bunn (4 Holme Lacy Road) spoke against the application and Mr. Williams (applicant's agent) spoke in support of the application.

Councillor ACR Chappell one of the Local Ward Members commented that the residential amenities of the area had improved since the closure of the convenience store. Referring to the Highways Agency comment that takeaway restaurants by their very nature generated more trips in the evening and some of these trips may fall within peak times, Councillor Chappell pointed out that peak times lasted until at least 6.30 p.m. in this area. He also felt that drivers would take little notice of the 'Keep Clear' marking proposed at the point of access onto Holme Lacy Road and drew attention to the parking problems in the area generally.

The Central Team Leader reiterated that there were no objections on highway grounds and that the lawful planning use of the site for retail purposes could be re-implemented at any time.

A number of Members expressed concerns about the highway safety and congestion aspects and sympathised with local residents about the potential impact on residential amenities. Councillor DJ Fleet noted that the Transportation Manager had no objections but felt that a busy takeaway would inevitably lead to traffic problems at busy periods. Councillor Chappell suggested that the application should be refused on the grounds of highway safety and impact on residential amenities. There would be difficulties in enforcing no parking on the double yellow lines at night and safety problems would inevitably be created for children crossing the busy road to use the play area nearby.

**RESOLVED:**

**That the Application be refused on the following grounds and any further**

reasons considered to be appropriate by the Head of Planning Services:

- (i) highways safety; and
- (ii) detrimental impact on residential amenities.

**69. DCNE2005/3105/F - PROPOSED SIDE EXTENSION AT CHECKETTS, OLD CHURCH ROAD, COLWALL, MALVERN, WORCESTERSHIRE, WR13 6ET FOR: MR & MRS ASHTON PER MR C MORTON, ROSEMEAD EVENDINE LANE, COLWALL, NR MALVERN, WORCESTERSHIRE, WR13 6DT**

The application was for a single-storey side extension to the existing dwelling to form a new study, conservatory and cloakroom. It would also include internal alterations at first floor with the creation of a pitched roof dormer window to the west facing elevation

In accordance with the criteria for public speaking, Mrs Ritchie the owner of an adjoining property, spoke against the application.

**RESOLVED**

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

**1 - A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 - B02 (Matching external materials (extension) )**

**Reason: To ensure the external materials harmonise with the existing building.**

**3 - E19 (Obscure glazing to windows )**

**Reason: In order to protect the residential amenity of adjacent properties.**

**4 - F16 (Restriction of hours during construction )**

**Reason: To protect the amenity of local residents.**

**Informatives:**

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

- 2 - The applicant's attention is drawn to the presence of footpath CW10, which runs adjacent to the application site. The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for, preferably 6 weeks in advance of work starting.**

**The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.**

**70. DCCE2005/2967/F - CONVERSION OF AND ALTERATIONS TO PERIOD BARN TO FORM OFFICES BARN AT MONKS ORCHARD, LUGWARDINE, HEREFORD FOR: MR R SHIMMIN, JAMES SPRECKLEY MRICS FAAV, BRINSOP HOUSE, BRINSOP, HEREFORDSHIRE, HR4 7AS**

This application was for the conversion of a barn to form office accommodation at Monks Orchard, Lugwardine. The existing property is a traditional period barn attached to a converted farm building which has been altered to provide office accommodation. The Central Team Leader suggested that if the application was approved, condition 3 in the recommendation should be altered from Class B1 to Class BA, thereby making it for office use only.

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

### **RECOMMENDATION**

That, subject to the resolution of the drainage issue, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

**1 A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 A06 (Development in accordance with approved plans and Ecological Report)**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

**3 This permission shall relate only to uses for purposes within Class BA of the Town and Country Planning Use Classes (Amendment) Order 2005.**

**Reason: To ensure the appropriate use of this premise having regard to the amenities of the locality.**

**4 B01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

**5 C02 (Approval of details )**

**(a) Joinery details.**

**Reason: To safeguard the character and appearance of this building of architectural or historical interest.**

**6 Notwithstanding the plans hereby approved, the first four posts from the northwest in the front elevation shall be retained and not replaced unless otherwise agreed in writing by the local planning authority.**

**Reason: To safeguard the character and appearance of this building of architectural and historical interest.**



**7 H29 (Secure cycle parking provision )**

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

**8 The conversion hereby approved, including the timing of works shall be carried out in accordance with the mitigation and enhancement recommendations set out in the Ecological Survey for Barns at Monks Orchard, Lugwardine, Herefordshire received on 13<sup>th</sup> September 2005. The mitigation measures identified shall be implemented as set out in the survey and thereafter retained.**

**Reason:** To ensure that the identified nature conservation interest of the site is protected

**9 G40 (Barn conversion – bird/owl/bat box)**

**Reason:** In order not to disturb or deter the nesting or roosting of species protected by virtue of the Wildlife and Countryside Act 1981

**INFORMATIVES:****1 N03 - Adjoining property rights****2 N15 - Reason(s) for the Grant of PP/LBC/CAC****3 The timing of the development and the post development site safeguards should be adhered to ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies within the Local Plan and Unitary Development Plan NC1, NC5, NC6 and NC7.****4 An appropriately qualified and experienced ecological clerk of works should be appointed (or consultate engaged in that capacity) to oversee ecological mitigation work to conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with Unitary Development Plan Policy NC6, NC7, NC8 and PPS9.****71. ANNUAL MONITORING REPORT 2004-2005**

The Team Leader Strategic Planning presented the report of the Forward Planning Manager about the Annual Monitoring Report 2004 – 2005. He said that the Planning and Compulsory Purchase Act 2004 had introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's were based on the period from 1st April to 31st March and had to be submitted to the Secretary of State by no later than the following 31st December. He advised that the Annual Monitoring Reports were required to assess:

- (a) the implementation of the Local Development Scheme; and
- (b) the extent to which policies in the Local Development Documents are being

achieved.

The Committee considered the Council's first AMR which had been prepared to meet the requirements of the new planning system. The Team Leader Strategic Planning said that the first AMR assessed the extent to which the objectives of the Herefordshire Unitary Development Plan policies were being achieved. He advised that in previous years annual monitoring studies had been undertaken for housing and employment with their results published in separate reports. Future AMR's would cover all annual monitoring study findings in a single document. This would enable a holistic approach to be formulated to allow for a more comprehensive approach to be taken in assessing the extent to which policies within Local Development Documents were being achieved.

### **RESOLVED**

**THAT the Annual Monitoring Report 2004-2005 be endorsed and recommended to the Cabinet Member (Environment) for submission to Cabinet.**

## **72. LOCAL DEVELOPMENT SCHEME**

The Forward Planning Manager presented his report about a suggested review of the Council's Local Development Scheme. He said that one of the requirements of the Planning and Compulsory Purchase Act 2004 was that Local Planning Authorities had to publish a Local Development Scheme (LDS) setting out how their forward planning work would be organised over a three-year period. The first Scheme for Herefordshire came into effect on 1st January 2005 and had recently been reviewed, with suggested revisions prepared to reflect the following factors:

the forthcoming review of parts of the Regional Spatial Strategy (RSS), including housing and employment land provision. The Regional Assembly (Regional Planning Body) was undertaking this review to a timetable of a preferred option to Government in Spring 2007 and final approval in Autumn 2008. The Council had a formal role in this process in advising the Regional Planning Body (Spring 2006).

the likely UDP timetable, with the Inspectors Report expected before July 2006. There would be a need to prepare and publish proposed modifications to the Plan in Autumn 2006.

the need to establish timetables for proposed Supplementary Planning Documents (SPD) which were to be prepared in parallel to the final stages of the UDP and

the need to define more clearly the position of Parish Plans with regard to the Local Development Framework.

He outlined the principal amendments to the LDS and the Committee endorsed his proposals.

### **RESOLVED**

**THAT the Local Development Scheme be endorsed and recommended to the Cabinet Member (Environment) for submission to Cabinet.**

## **73. DATE OF NEXT MEETING**

20th January, 2006 at 10:00 a.m.

**PLANNING COMMITTEE**

**FRIDAY, 25TH NOVEMBER, 2005**

The meeting ended at 12.02 p.m.

**CHAIRMAN**