

**MINUTES of the meeting of Planning Committee held at  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on Friday, 21st April, 2006 at 10.00 a.m.**

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

Councillors: B.F. Ashton, W.L.S. Bowen, Mrs. C.J. Davis, D.J. Fleet,  
J.W. Hope MBE, Mrs. J.A. Hyde, T.M. James, R. Mills,  
Mrs. J.E. Pemberton, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson  
and D.C. Taylor

**33. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors PJ Dauncey, PE Harling, RI Matthews and WJ Walling.

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

The following named substitutes were appointed:-

Councillor WLS Bowen for Councillor WJ Walling;  
Councillor TM James for Councillor PJ Dauncey;  
Councillor R Mills for Councillor PE Harling; and  
Councillor Ms GA Powell for RI Matthews.

**35. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
DJ Fleet	17 (Minute No 49) DCCW 2006/0725/F 6m high arched sculpture outside All Saints Church, High Street Hereford	Personal and remained in the meeting for the duration of this item
BF Ashton	18 (Minute 50) DCNE2006/0517 – removal of condition 3 on planning permission – 2 Brighton Villa Walwyn Road Colwall.	Prejudicial and left the meeting for the duration of this item.

**36. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 3rd March, 2006 be approved as a correct record and signed by the Chairman.

**37. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman said that Mr Andrew Ashcroft would be commencing with the Council as the new Head of Planning Services on 3rd July 2006. He welcomed Mr Alan McLoughlin the new Head of Legal and Democratic Services to the meeting and also Councillor PG Turpin who had recently been elected Chairman of the Southern Area Planning Sub-Committee. The Chairman expressed his deep sorrow that Mrs RF Lincoln had been obliged to retire as a Councillor due to ill health, and paid tribute to her many years sterling service to the local community with Herefordshire Council and the former South Herefordshire District Council.

The development Control Manager said that Planning Services had dealt with the following matters:-

**Pre Application enquiries.**

The Team dealt with over 2,000 pre application enquiries in 2005/06. Some of these were relatively trivial, but some took nearly as long as a planning application itself to deal with. The key "Qualification" for being recorded on the computer is that there is a formal exchange of correspondence and a permanent record made of the advice which was given.

**Planning Applications.**

Following a burst of activity in the final quarter I am pleased to report that all three BV109 targets were met in 2005/06. The final out-turn figures were:

Major applications: target 60% - out-turn 61%

Minor applications: target 65% - out-turn 73%

Other applications: target 80% - out-turn 85%

Notwithstanding this performance the ODPM will continue to categorise Herefordshire Council as a "Standards Authority" for the next year due to the failure to meet targets in the twelve months to June 2005. It is important that progress is maintained to continue to achieve BV 109 targets.

**Delegation**

The rate of delegations is now close to the former BVPI target of 90% - in 2005/06 the out-turn figure was 88%.

**Appeals.**

The appeals success rate continues to be satisfactory. BV 204 only measures appeals against refusals of permission. By that standard 27% of appeals were upheld in 2005/06 (which compares favourably with the latest published national average for 2004/05 of 33%). What is also significant is that the appeals workload has gone up compared with the previous year - in 2004/05 Herefordshire had 25 appeals upheld out of 82 - a rate of 30%, whereas in 2005/06 the figure was 28 out of 104 (a rate of 27% as noted above). Consequently it can be seen that despite a 20% increase in workload the success rate for the Council went up too.

**Enforcement**

In 2005/06 the appeal success rate for enforcement appeals was even more impressive - of the 9 enforcement appeals which were determined only 1 was upheld - a rate of 11%. By comparison the most recent national figures (for 2004/05) record that nationally 24% of enforcement appeals are upheld. Once again Herefordshire Council's performance is well above the national average.

Of course enforcement is about more than just appeals - in 2005/06 the enforcement officers served a total of 29 Enforcement Notices, 93 Planning Contravention Notices and 20 Beach of Condition Notices. Overall the enforcement officers received over

1000 enforcement enquiries between them. Some of these turned out to be trivial or otherwise not expedient to take action, however, they all needed to be investigated and the outcomes recorded. In the course of 2006/07 a set of new enforcement indicators are being tested out with a view to incorporating them into the service plan for the following year.

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

**RESOLVED:** That the report of the meeting held on 22nd March, 2006 be received and noted.

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

**RESOLVED:** That the report of the meetings held on 8th March and 5th April, 2006 be received and noted.

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

**RESOLVED:** That the report of the meetings held on 15th March, 2006 be received and noted.

**41. PROGRAMME FOR THE REVIEW OF CONSERVATION AREAS**

The Conservation manager presented a report about proposals for a revised two-year programme for the review of Conservation Areas to include the preparation of Character Appraisals and Management Proposals. He said that in 2004 the Committee had commended an initial programme to carry out 4 reviews in each of the years 2005 and 2006 but due to a shortage of staff resources coupled with the need to support the development control function, this had not proved to be possible. He outlined the list of Conservation Areas to the Committee and suggested that the targets for character appraisals and Management Proposals be adopted.

**RESOLVED:** That the Cabinet Member for the Environment is recommended to adopt the programme for the Preparation of Conservation Area Character Appraisals and Management Proposals set out in Appendix 2 of the report of the Head of Planning Services.

**42. STATEMENT OF COMMUNITY INVOLVEMENT**

The Team Leader (Local Planning) presented the report of the Forward Planning Manager about progress on the preparation of the Council's Statement of Community Involvement (SCI) which was required as part of the new planning system and set out how the Council would consult on planning matters. He outlined the purpose of the (SCI) and the timetable for its production. He referred to the consultation that had already taken place and the comments and response that had been received and which had helped to prepare the final draft, which was to be published for further consultation as required by the Regulations. He said that the next phase of consultation was proposed to take place between 12<sup>th</sup> June and 21<sup>st</sup> July, 2006 for a six week period. This final consultation differed from the previous two exercises which involved gathering information to improve the document. The final consultation related to gaining support or otherwise to a document that was being submitted to the Secretary of State for consideration. If there were any objections into the soundness of the document that could not be met by the Council, then these would be dealt with by an independent Inspector. The Committee agreed with the proposals put forward in the report of the Forward Planning Manager.

**RESOLVED THAT**

**it be recommended to the Cabinet Member (Environment) that the Final Draft Statement of Community Involvement setting out how the Council will consult on planning matters is submitted to the Secretary of State and published for consultation purposes in line with the Town and Country Planning (Local Development)(England) Regulations 2004.**

**43. DCNW2006/0298/F - RESIDENTIAL DEVELOPMENT FOR 54 DWELLING, WITH CAR PARKING SPACES, NEW ACCESS ROAD, LANDSCAPING, AT MAESYDARI SITE, KINGTON, HEREFORDSHIRE, HR5 3FA**

The Development Control Manager said that the Northern Area Planning Sub-Committee was mindful to refuse the application and that it had been referred to the Planning Committee because this view was contrary to a number of the Council's Planning policies and Officer advice.

In accordance with the criteria for public speaking, Mrs. Bradbury of Kington Town Council and Mr. Lewis, an objector, spoke against the application, and Mr. Orr the agent acting on behalf of the applicant spoke in support of the application.

Councillor T.M. James, the Local Ward Member, commented that this application was virtually the same as that previously refused (DCNW2005/3082/F) and although there were four less dwellings there would still be a density of 50 dwellings per hectare. He noted that this density was at the upper end of that suggested in PPG3 – Housing and that the suitability or otherwise of the site was critical issue. He commented that there was 'universal opposition' in the local community. He pointed out that Kington was a small market town, a low income area, had a high percentage of rentable accommodation and had problems with traffic congestion and lack of public transport infrastructure. He added that the proposed contribution towards education facilities at Kington Primary School would not deal with the problem of capacity on this site and, given that it already had less than the statutory level of play and recreation space available, there was no room for further expansion. In terms of the proposed contribution of £25,000 towards the public open space, Crooked Well Meadow, Councillor James noted that this would not even be enough to re-route power cables which hindered the further development of that area. He felt that the application was out of all scale with the local community and should be refused.

Councillor BF Ashton pointed out that although he was a strong supporter of the council's Planning policies, in this case he felt that the policies on the Unitary Development Plan were wrong. His view was that a minimum of 50 dwellings per hectare for a small market town was inappropriate and that a range of 30 – 50 dwellings, with 50 being the maximum would be more in keeping. He was concerned at a number of issues about the application and in particular those of ecology where Officers advice appeared to have been ignored and the Applicant had started clearing vegetation from the site without first obtaining the necessary consent. He felt that provision for car-parking and play areas was inadequate and that there were a number of traffic issues in that the development would put considerable pressure on the existing narrow roads leading to the site. A contribution to open space elsewhere in the town was not appropriate and instead the Applicant should make proper provision within the site. Councillor Mrs PA Andrews had concerns about the proposed development which included housing designs which were basic and unappealing in an area adjoining the Kington Conservation Area. A number of Members felt that the density model was out of keeping with the character of the historic towns and was unsustainable. Comments were also made about the

level of contributions proposed and the need for adequate play space near to the site.

The Development Control Manager responded to the concerns and questions raised by Members. He advised that Policy H15 of the UDP included a guideline density of at least 50 dwellings per hectare for town centre and adjacent sites. He commented that, in terms of density and housing land supply, the planning authority was not meeting housing needs; it was noted that the alternative was build on greenfield sites which could be even more challenging. Given these policy considerations, he felt that refusal on the grounds of density could be difficult to defend. He acknowledged Members' comments about contributions to educational facilities but emphasised that the level and type of contributions proposed had been guided by the advice of Children's Services. On the issue of play space, he noted that the Parks and Countryside department was working with the playground committee to identify funding in order to realise the development of the public open space for the benefit of the whole community. On highway safety, he advised that the production of the Traffic Assessment meant that this element could also be difficult to defend. Regarding the character of the area, he advised that the general design approach although not terribly good, was considered to be acceptable for this location. He also emphasised the difficulty in meeting affordable housing demand in the County.

In response to a question from Councillor W.L.S. Bowen, the Development Control Manager advised that the potential for introducing energy saving measures into the scheme had been explored but it was difficult to deliver on tight margins. He added that it would be difficult to insist on such initiatives unless they were included in Building Regulations.

Councillor James commented that Kington had a similar population level to Colwall and it was unlikely that a development of this density would be promoted there. He also commented on the specific highway problems in the town and notwithstanding the Transportation Managers advice, felt that the scheme would have an adverse impact upon the narrow road network in and around the site and the adjoining Conservation Area. Having considered all the facts in respect of the application, the Committee decided that it could not be supported.

#### **RESOLVED:**

**That the application be refused on the following grounds and any further reasons for refusal felt to be necessary by the Development Control Manager.**

- 1. The density of the proposed development is considered to represent an overdevelopment of the site that would be out of character with the general density of the surrounding area. As such the proposal conflicts with policies A1, A23 and A24 of the Leominster District Local Plan and Policy H13 of the Herefordshire Unitary Plan (deposit draft).**
- 2. The proposed development, by virtue of the density of development would put unnecessary strain on the existing highway network to the detriment of highway safety for highway users and pedestrians in conflict with Policy A70 of the Leominster District Local Plan.**
- 3. The proposed development does not include public open space to the standard required by Policy H19 of the Unitary Development Plan (Revised deposit Draft) and Policies A64 and A65 of the Leominster District Local Plan. The proposed off site provision is**

**not considered satisfactory to meet this need.**

- 4. The design of the buildings was not appropriate or in keeping with other developments.**

**44. DCNW2006/0071/F - NEW/REPLACEMENT FARM HOUSE AT THE VALLETS, RICHARDS CASTLE, LUDLOW, SHROPSHIRE, SY8 4ET**

The Development Control Manager advised that a wildlife survey of the premises was scheduled for June, 2006.

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

Councillor Mrs. L.O. Barnett, the Local Ward Member, questioned the use of the term 'relatively grandiose replacement' in the officers' appraisal and sought the views of officers regarding the design. The Development Control Manager commented that design was subjective but the size of the proposed dwelling was significantly larger than the building to be replaced. Councillor Mrs. Barnett commented that four double bedrooms was not grandiose for many families, she felt that the design of the building was acceptable even given the prominent position of the site, and noted that the existing building was not listed. It was difficult for the applicant to extend the existing property without creating a visual intrusion and she proposed that the application should be approved, subject to a condition to mitigate any ecological impact, particularly in relation to bats.

Councillor W.L.S. Bowen felt that the scale and design was acceptable and that any compromises would have a detrimental impact on the proportions of the building. He felt that it would be an improvement on the existing building and noted that it would not have a direct impact on any nearby dwellings.

Councillor B.F. Ashton drew attention to the significant increase in the footprint of the new/replacement dwelling; the comparison of floor area, when measured externally, was 191.78 square metres for the existing farmhouse and 480 square metres for the proposed dwelling. He felt that the policy objections outlined in the refusal reasons for planning application NW2005/3024/F remained and that the design was not sympathetic to the landscape.

Having considered all the facts in respect of the application, the Committee felt that the proposed replacement dwelling was acceptable as a working family farmhouse, with the appropriate conditions imposed.

**RESOLVED:**

**That the application be approved subject to the following conditions and any further conditions felt to be necessary by the Development Control Manager.**

- 1. On receipt of a satisfactory ecological survey including full mitigation measures in relation to bats and nesting birds.**
- 2. Then Planning Permission be granted subject to conditions seen necessary by officers including the removal of Permitted Development Rights.**

**45. DCNW2005/0890/F - NEW SPORTS HALL, CHANGING ROOMS, CAFETERIA AND LIBRARY AT WEOBLEY HIGH SCHOOL, WEOBLEY, HEREFORD, HEREFORDSHIRE, HR4 8ST**

The Development Control Manager said that Sport England had objected to the development on the tennis court site but had failed to appreciate that new courts had already been constructed on a site formerly occupied by temporary classrooms. Negotiations would continue with Sport England and if their objection could be withdrawn, the scheme could proceed without the need to gain the prior approval of the Secretary of State.

**RESOLVED THAT**

**the Secretary of State for the Office of the Deputy Prime Minister be notified that the Local Planning Authority is minded to grant planning permission 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 - B01 (Samples of external materials )**

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

**3 - F48 (Details of slab levels )**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

**4 - H13 (Access, turning area and parking )**

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

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

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

**6 - F15 (Scheme of noise insulation )**

**Reason: To safeguard the amenity of the area.**

**Informatives:**

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

**46. DCSW2006/0440/F - SAFETY FENCE AND ADDITIONAL PARKING AT DORSTONE PLAYING FIELDS, DORSTONE, HEREFORD**

The Development Control Manager said that the application had been withdrawn by the applicants.

**47. DCSW2004/3397/F - CONVERSION OF REDUNDANT FARM BUILDINGS TO FARM SHOP, PLANT CENTRE AND LANDSCAPE DESIGN CENTRE, INCLUDING ERECTION OF POLYTUNNELS, DISPLAY GARDENS AND ASSOCIATED CAR PARKING, LAND AT JUNCTION OF A465 AND B4348, WINNAL COURT, ALLENSMORE, HEREFORDSHIRE, HR2 9AR**

The Development Control Manager said that the Southern Area Planning Sub-Committee was minded to approve the application subject to the site remaining as a Plant Centre, highways safety being satisfied regarding the access and a hedge re-planting scheme being undertaken. This was contrary to Officer recommendation and the council's Planning policies and had therefore been referred to the Planning Committee.

In accordance with the criteria for public speaking Mr Primmet, the Agent acting on behalf of the Applicant, spoke in favour of the application.

Councillor PG Turpin, the local Ward Member noted that the Highways Agency had not objected to the application despite the site being off a busy crossroads where a number of accidents had occurred and which may be made worse by granting the application. He also thought that it would be difficult to enforce plant sales in view of the wide range of commodities proposed for retail on the site. A number of Members shared those concerns and it was decided that the recommendation for refusal should be approved.

**RESOLVED THAT**

**planning permission be refused for the following reason:**

**The local planning authority consider that in effect the proposal constitutes the provision of a garden centre. Having regard to South Herefordshire District Local Plan Policies GD.1, C.1, RT.8 and T.1A and Herefordshire Unitary Development Plan Policies S.1 and TCR.16 the proposal is considered to be unacceptable. The establishment of a garden centre in the countryside and divorced from any established settlement is considered to be inappropriate and would not be sustainable.**

**48. DCCE2006/0275/F - CHANGE OF USE TO EDUCATION/TRAINING FACILITY (TEMPORARY USE UNTIL 2008) AT UNITS 2, 3, 14 & DCCE2006/0279/F - CHANGE OF USE TO EDUCATION/TRAINING FACILITY (TEMPORARY USE UNTIL 2008) AT UNITS 12/13 BARRS COURT TRADING ESTATE, HEREFORD, HR1 1BB**

The Development Control Manager said that a travel plan had been received from the Applicants regarding the parking and vehicle/pedestrian movement proposals. Councillors Mrs PA Andrews and DJ Fleet whilst supporting the principles of the application had concerns about the likely difficulties arising from car parking on the site which would cause problems for the users and proprietors of the other industrial units on the site. The Committee discussed the details of the application and a proposal was put forward that the application should be refused. On voting this proposal was lost.

**RESOLVED THAT**

**the applications be approved subject to the following conditions and any further conditions considered necessary by the Officers:**

- 1 E20 (Temporary permission).**



**Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.**

**2 E10 (Use restricted to that specified in application )**

**Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard the future use of this site.**

**3 E27 (Personal condition).**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.**

**4 E26 (Cessation of personal/time limited permission).**

**Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.**

**5 Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litterbins on the premises and information relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.**

**Reason: In the interests of the amenity of the area.**

**INFORMATIVES:**

**1 N03 - Adjoining property rights**

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

**49. DCCW2006/0725/F - 6M HIGH ARCHED STEEL SCULPTURE TO BE SITED ON EXISTING STONE PLINTH OUTSIDE ALL SAINTS CHURCH, HIGH STREET, HEREFORD, HR4 9AA**

In accordance with the criteria for public speaking Mr Draper, the Agent acting on behalf of the Applicants spoke in favour of 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. A06 (Development in accordance with approved plans).**

**Reason: To ensure adherence to the approved plans in the interests of a**

satisfactory form of development.

**Informative:**

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

**50. DCNE2006/0517/F - REMOVAL OF CONDITION NO 3 ON PP MH2181/90.  
OCCUPANCY COMPLIANCE 2, BRIGHTON VILLA, WALWYN ROAD,  
COLWALL, MALVERN, WORCESTERSHIRE, WR13 6QG**

The Development control Manager said that the Applicants had agreed to enter into a Section 106 obligation under the Town and Country Planning Regulations to keep the main house and the annexe in the same ownership instead of creating two dwellings in two separate ownerships. On the basis of this and the removal of Permitted Development Rights he said that the recommendation could be changed to approval subject to the appropriate conditions

**RESOLVED THAT**

**The Head of Legal and Democratic Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 to (set out heads of agreement) and any additional matters and terms as he considers appropriate including the removal of Permitted Development Rights.**

**51. DATE OF NEXT MEETING**

Friday 9th June, 2006

The meeting ended at 11.45 a.m.

**CHAIRMAN**