

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 14th July, 2006 at 10.00 a.m.**

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

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield,
P.J. Dauncey, Mrs. C.J. Davis, P.E. Harling, J.W. Hope MBE, B. Hunt,
Mrs. J.A. Hyde, Brig. P. Jones CBE, R.I. Matthews, R. Mills,
Mrs. J.E. Pemberton, Mrs. S.J. Robertson, D.C. Taylor and P.G. Turpin

In attendance: Councillors P.J. Edwards, Ms. G.A. Powell and R.M. Wilson

24. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors DJ Fleet, RM Manning, R Preece and WJ Walling.

25. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

Councillor Mrs WU Attfield for R Preece; and
Councillor R Mills for Councillor RM Manning

26. DECLARATIONS OF INTEREST

Councillor Mrs WU Attfield declared a personal interest in Agenda item 14 (Minute 37) - DCCW2006/1728/F - remove existing defective perimeter fencing. erect new perimeter fencing and entrance gates at Haywood High School, Stanberrow Road, Hereford, Herefordshire, HR2 7NG.

27. MINUTES

RESOLVED: That the Minutes of the meeting held on 9th June, 2006 be approved as a correct record and signed by the Chairman, subject to the inclusion of the name of Councillor PJ Edwards in the list of attendees.

28. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Mr Andrew Ashcroft, the new Head of planning Services to his first meeting of the Committee. He also reported on the following matters:-

HEREFORD FLOOD ALLEVIATION SCHEME

A planning application would be considered at a forthcoming meeting of the Committee and would be preceded by a site inspection.

PERFORMANCE BY PLANNING SERVICES DEPARTMENT

(a) Development Control Performance

BV 109 – processing planning applications

In the quarter ending 30th June 2006 the Best Value performance figures for processing planning applications were as follows:

April to June 2006	Performance	Target
Major applications in under 13 weeks	75%	60%
Minor applications in under 8 weeks	85%	65%
Other applications in under 8 weeks	90%	80%

All three BV 109 targets were met.

No announcement has been made yet about next years Planning Delivery Grant but it is expected that the Development Control element of Planning Delivery Grant will be based on 12 months performance to June 2006. The BV 109 out-turn figures for this period were:

July 2005 to June 2006	Performance	Target
Major applications in under 13 weeks	63%	60%
Minor applications in under 8 weeks	77%	60%
Other applications in under 8 weeks	86%	80%

All three BV 109 targets were met for the relevant period and, hopefully, the Planning Delivery Grant will in due course reflect this.

BV 204 - Appeals

In the quarter April to June 2006 22 appeals against refusals of planning permission have been determined and, of these, only 4 have been upheld. This is a percentage of 18%. There is no national target for this figure, but the national average is around 33% and Herefordshire Council's local target is 25%. It follows that, in this first quarter of the year, performance has been well above target.

Enforcement

Currently there are no Best Value Performance indicators for enforcement, but data is being collected with a view to developing local enforcement indicators and during April to June 2006 some 235 new cases were notified to enforcement officers.

Data has also been collected on the number of planning applications received as a result of enforcement investigations. In the quarter April to June 2006 53 Applications have been received as a result of Planning Enforcement Action. These have generated in £8,800 application fees.

(a) Changes to the Development Control System

Further provisions of the Planning and Compulsory Purchase Act 2004 have been brought into effect. In particular, from 10th August 2006 most planning applications will need to be accompanied by a "Design and Access Statement". These statements will require developers to set out, in a formal statement, the justification for the following aspects of their proposals:

- the proposed use of the site
- the amount of development (including its density)
- the proposed Layout
- the Scale of the development
- Landscaping

Overall appearance

In terms of access developers will have to explain how the development makes provision for access to the site and within the site, and how it relates to the "Movement network" in the locality including roads, paths, and public transport facilities.

It is hoped that Design and Access Statements will allow a significant change in the way applications are assessed so that, for example, local planning authorities can consider whether the design is good enough to approve, rather than whether it is not bad enough to refuse.

29. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 14th June, 2006 be received and noted.

30. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 28th June, 2006 be received and noted.

31. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 7th June and 5th July, 2006 be received and noted.

32. EDGAR STREET GRID SUPPLEMENTARY PLANNING DOCUMENT

The Forward Planning Manager introduced his report about the Edgar Street Grid Supplementary Planning Document (SPD) which was included within the Council's Local Development Scheme and produced in line with the regulations of the new Planning Act. He said that the proposals provided a unique opportunity to develop an under-utilised area of land and to strengthen the role of Hereford as a sub regional shopping centre in the wider rural economy. He advised that the Local Development Scheme identified the requirement to produce additional design guidance for the Grid area and the Supplementary Planning Document (SPD) provided an urban design framework to guide the future development of the area. Supplementary Planning Documents were produced to expand on plan policy and provide additional information and guidance in support of policies and proposals in Development Plan Documents.

The role and purpose of the SPD is to:

- Establish an urban design framework for the Edgar Street Grid area in a positive and enabling manner providing a design concept early on in the process which will be used to guide landowners, developers and the community on the form development proposals should take
- Address and supplement with additional information the policies contained within the UDP
- Provide greater certainty for the market on what is expected from future schemes
- Ensure delivery of a comprehensive, coordinated and sustainable development for Grid area.

Consultation forms a key part of the SPD process and the following timetable has been prepared:

- Initial consultation (July – October 2006)
- Ongoing Consultation (November 2006 – March 2007)
- Formal consultation on the draft SPD and sustainability appraisal (April/June 2007)
- Adoption (October 2007)

The Committee endorsed the proposals put forward by the Forward Planning Manager.

RESOLVED

That it be recommended to the Cabinet Member (Environment) that the Edgar Street Grid Supplementary Planning Document be prepared as set out in the report of the Forward Planning Manager and in line with the requirements of the Town & Country Planning (Local Development)(England) Regulations 2004.

33. REPORTS OF THE HEAD OF PLANNING SERVICES

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

34. DCNW2006/1643/F - CONSTRUCTION OF DWELLING HOUSE AND GARAGE AT LAND ADJOINING THE FORGE, LINGEN, BUCKNELL, SHROPSHIRE, SY7 ODY

The Development Control Manager gave an outline of the planning application which was for a three bedroomed two storey detached dwelling and detached garage/store. He advised that the site was within a designated area as a Protected Area, adjacent to a Scheduled Ancient Monument and within the Lingen Conservation Area. The land was also within an Area of Great Landscape Value as designated in the Leominster District Local Plan. He said that English Heritage had drawn attention to the fact that Lingen Castle was a monument of national importance and that its open setting was important to retain. The remains of the castle may extend into the proposed development and remains of medieval settlement may be present in the area and may be damaged or destroyed by development. These views were supported by the County Archaeologist who emphasised the considerable historic significance of the site and the need to retain its open aspect. He felt that there was little difference in terms of impact from the similar application which had been refused in 2005 and that this should also be refused.

In accordance with the criteria for public speaking Mr Lloyd of Border Group Parish Council and Mr Taylor, the agent acting for the applicants, spoke in favour of the application.

The Committee discussed the details of the application and noted the particular family circumstances which had given rise to it. It was also noted that the applicants had strong ties with the local community and wished to remain within the village. Councillor JW Hope drew attention to the views of Lingen Parish Council which supported the application because it was similar to others granted in the vicinity and which also overlooked archaeological sites. It was felt by the parish council that the ancient monument was a grass mound and that the proposed dwelling would not have a detrimental effect upon it. He supported these views and felt that the application should be approved. Councillor BF Ashton was extremely sympathetic towards the difficult family circumstances facing the applicants but felt that these did not outweigh the Council's established and emerging Planning Policies. He felt it important to ensure that such ancient monuments were preserved, particularly those

which had internationally recognised importance. A similar application had previously refused and he was of the view that there were no planning grounds for this application to be approved.

Councillor Mrs JE Pemberton had concerns that whilst the reasons for refusal were extensively covered within the report, those put forward in support and why an exception could be made to the planning policies were not so well covered. She emphasised the reasons for the applicants to remain within the local community, drew attention to existing dwellings near to the ancient monument and said that the applicants had taken great care in the details of their proposals to ensure that the dwelling would be effectively screened by landscaping and would have a minimum impact upon it. Councillor JB Williams drew attention to the fact that there were over 170 historically important motte and baileys within Herefordshire, many of which had dwellings nearby which had not detracted from their historic setting. He did not feel that the design and location of the proposed dwelling would have a significant impact upon the historic setting.

Further discussion ensued about the application differing views about the impact of the proposed dwelling on the historic setting. A question was asked about the location of the dwelling within the village envelope. The Forward Planning Manager said that there were fewer settlement boundaries within the Herefordshire Unitary Development Plan and that the scheme did not satisfy Policy H6 regarding small settlements. The Head of planning Services advised that careful consideration needed to be given to all the facts regarding the application in relation to the Councils Policies and the advice which had been given by Officers and English Heritage regarding the setting of an important Ancient Monument. This needed to be carefully balanced against the needs of the applicants. Having considered all the details of the application the Committee felt that it could be supported within the planning framework with appropriate conditions to protect the ancient monument, the amenity of the area and subject to an appropriate landscaping scheme.

RESOLVED:

That the application be approved subject to appropriate conditions about landscaping and the architectural and historic interest of the area, and any further conditions felt to be necessary by the Head of Planning Services.

35. DCNC2006/0882/F - VARIATION OF CONDITION 14 OF PLANNING PERMISSION DCNC2005/0062/F TO EXTEND OPENING HOURS AT THE H.O.P.E FAMILY CENTRE, HEREFORD ROAD, BROMYARD.

In accordance with the criteria for public speaking Mr Morris, a neighbour, spoke against the application and Mrs Davies, the applicant, spoke in favour.

Details of the application were discussed and it was noted that some concerns had been raised that the later finishing time would be detrimental to residential amenity by virtue of noise and light pollution caused by vehicles entering and leaving the car park. This had to be balanced against the fact that the applicants required the extension to enable training to be offered to parents and carers around such skills as baby sitting courses, supported theory work for passing driving tests and wider skills for life around parenting, IT, healthy eating and family support more broadly. The applicants had said that the evening activities and training were necessary to enable flexibility to deliver the Government's agenda by Children's Centres with the aim of improving life chances.

Having considered all the facts the Committee was in favour of the application being

granted, subject to rigid adherence of the 9:00 pm finishing time and the extended hours not applying to weekends or bank holidays.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - The premises shall not be open to use after 9.00pm and before 7.00 am each day and shall not be open to use after 6.00pm and before 7.00 am at weekends or on bank holidays.**

Reason: In the interests of residential amenity.

- 2 - A10 (Amendment to existing permission) (DCNC05/0062/F) (20 May 2005)**

Reason: For the avoidance of doubt.

Informative:

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

36. DCCE2006/1711/F - AMENDMENT TO PERMISSION CE2005/0032/F TO AVOID SEWER. PROPOSED 3 STOREY BLOCK OF 15 APARTMENTS IN LIEU OF 17 APARTMENTS AND 3 BUNGALOWS AT THE ROSE GARDENS, INDEPENDENT LIVING SCHEME, LEDBURY ROAD, HEREFORD, HR1 2SX

The development Control Manager said that the Environment Agency was satisfied with the revised proposals in respect of that part of the land which could be liable to flooding.

RESOLVED

That subject to no further objections raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of delegation to Officers be authorised to approved 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. The permission hereby granted is an amendment to planning permission DCCE2005/0032/F dated 2nd March 2006 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

Reason: For the avoidance of doubt.

Informative:

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

37. DCCW2006/1728/F - REMOVE EXISTING DEFECTIVE PERIMETER FENCING. ERECT NEW PERIMETER FENCING AND ENTRANCE GATES AT HAYWOOD HIGH SCHOOL, STANBERROW ROAD, HEREFORD, HEREFORDSHIRE, HR2 7NG

It was reported that the C.A.B.E did not wish to comment upon the application.

In accordance with the criteria for public speaking Mr Dillon, a supporter, spoke in favour of the application.

The Committee was in favour of the application subject to careful selection of the fencing materials to help them to blend into the site.

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. G18 (Protection of trees).

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

3. G20 (Remedial work).

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area.

4. G21 (Excavations beneath tree canopy).

Reason: To prevent the unnecessary damage to or loss of trees.

Informative:

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

38. DCCW2006/1743/F - NEW PRIMARY SCHOOL AND DEMOLITION OF EXISTING SCHOOLS AT RIVERSIDE PRIMARY SCHOOL (FORMERLY HUNDERTON INFANT AND JUNIOR), BELMONT AVENUE, HEREFORD, HR2 7JF

The following updates were reported:-

- a Environment Agency - comments awaited on the flood risk assessment;
- b Welsh Water – no objections subject to appropriate conditions;
- c CAAP – objections to the design of the buildings;
- d Hereford Civic Society - objections to the design of the buildings
- e Sports England – no observations;
- f C.A.B.E: no observations;
- g Traffic Manager – proposes conditions regarding the cycle path and access;
- h Conservation Manager – in support of the application: Comments awaited;

- and
i Carbon footprint awaited.

that In accordance with the criteria for public speaking Mr Faulkner of Hereford Civic Society spoke against the application and Mr Preston the Head Teacher of the school spoke in favour.

Councillor Mrs WU Attfield one of the Local Ward Members expressed her support for the scheme and felt that it was an innovative design. Councillor Ashton was less impressed and hoped that it included ease of maintenance and would not become a problem in the future. The Director of Environment said that this point could be borne in mind in respect of future schemes for replacement schools.

RESOLVED

That subject to no further objection raising additional material planning considerations by the end of the consultation period, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application in consultation with the Chairman and Local Ward Members, 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).**

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

3. **B01 (Samples of external materials).**

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

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. **H27 (Parking for site operatives).**

Reason: To prevent indiscriminate parking in the interests of highway safety.

6. **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.

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

Reason: In the interests of visual amenity and to ensure dwellings have

satisfactory privacy.

- 8. F16 (Restriction of hours during construction).**

Reason: To protect the amenity of local residents.

- 9. F39 (Scheme of refuse storage).**

Reason: In the interests of amenity.

- 10. C02 (Approval of details).**

Reason: To safeguard the character and appearance of the building.

Informative:

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

39. DATE OF NEXT MEETING

The meeting ended at 12.00 p.m.

CHAIRMAN