

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 20th April, 2007 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, D.J. Fleet, P.E. Harling,
J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE,
R.M. Manning, Mrs. J.E. Pemberton, D.C. Taylor and W.J. Walling

In attendance: Councillors P.J. Edwards

128. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Preece and PG Turpin.

129. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

MEMBER	SUBSTITUTE
R Preece	JP Thomas
PG Turpin	GW Davis

130. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting

131. MINUTES

RESOLVED: That the Minutes of the meeting held on 2nd March, 2007 be approved as a correct record and signed by the Chairman

132. CHAIRMAN'S ANNOUNCEMENTS

Director of Environment

The Chairman welcomed Michael Hainge, the new Director of Environment and expressed his thanks and appreciation to Graham Dunhill who would shortly be retiring.

Herefordshire Unitary Development Plan

The Unitary Development Plan was adopted on 23 March 2007 and replaced the Structure and Local Plans, providing for the first time a consistent set of planning policies throughout the County. Notice of adoption was given on 4th April, which was the start of a six-week period ending on 16th May during which the Plan may be challenged in the High Court. At the end of this period the adopted Plan will be printed. Initial copies have been produced for the purposes of the adoption process and may be viewed in the library and Info in Herefordshire deposit locations, the Members Room and on the Council website.

Performance of the Development Control Section

The Council has recently been advised by Baroness Andrews that it is no longer a standards authority in its determination of planning applications. The government is pleased at the significant improvement in performance which is now exceeding national targets

S&A Davies

Ruth Kelly, Secretary of State for Communities and Local Government, has dismissed four planning appeals by Herefordshire strawberry producer S&A Davies. Two of the appeals were against refusal of planning permission for 300 caravans, ancillary buildings and a sewage treatment works at Brierley Court Farm, Leominster. The other two appeals were against the service of enforcement notices on S&A Davies for the removal of caravans, ancillary buildings and sewage treatment works which did not have planning permission. Ruth Kelly called in the planning appeals after an inquiry carried out by a government inspector. Ms Kelly said in her appeal decision that developments such as the one at Brierley Court Farm required planning permission. She took the view that growers could not rely on permitted development rights because the strawberry growing season was too long. The Secretary of State's decision was made on April 11, 2007 and has allowed S&A Davies 274 days to comply with the notices.

133. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 28th February and 28th March, 2007 be received and noted.

134. CENTRAL AREA PLANNING SUB-COMMITTEE

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

135. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the reports of the meeting held on 21st March, 2007 be received and noted.

136. EDGAR STREET GRID SUPPLEMENTARY PLANNING DOCUMENT

The Team Leader Local Planning presented a report about the draft Edgar Street Grid Design Framework Supplementary Planning Document (SPD). He said that the document was included within the Council's Local Development Scheme and had been produced in line with the requirements of the Town & Country Planning (Local Development)(England) Regulations 2004. He explained that the Edgar Street Grid comprised of 43 hectares of land to the north of the city centre. It included significant uses such as the Livestock Market, Hereford United Football Club, the railway station and a number of buildings of architectural and historic importance such as the Blackfriars Friary. The area also accommodated a wide range of industrial, commercial and residential uses. He suggested that there was a unique opportunity to develop an under-utilised area of land thereby strengthening the role of Hereford as a sub regional shopping centre and ensuring that the City played an important role in the wider rural economy. He advised that the role and purpose of the SPD was to:

- establish an urban design framework in a positive and enabling manner 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 Unitary Development Plan;
- provide greater certainty for the market on what is expected from future schemes;
 - ensure the delivery of a comprehensive, coordinated and sustainable development for the Grid area;
 - ensure sustainability for the delivery of a scheme which balanced social, environmental and economic considerations with integration between the Grid development and the existing city centre through successfully addressing the barrier effect of Newmarket St./Blueschool St., as well as connecting to other key facilities;
 - address significant issues of traffic congestion and air quality, particularly to the south of the Grid area where an Air Quality Management Area has been defined;
 - provide new development opportunities which can be integrated within the historical setting of listed buildings and other key features of the Grid area as well as archaeology issues;
 - address the fact that the Grid is subject to multiple ownerships which creates significant land assembly challenges; and
 - address land which floods on the Grid including land to the north of Merton Meadows and around the Police playing fields.

The Team Leader Local Planning provided a summary of some of the key regulations which govern the process of producing an SPD and explained the consultation process which was involved. Councillor DJ Fleet felt that the draft was an excellent document, particularly with the focus on sustainability but had some concerns about the issues regarding the ring road, flooding of part of Merton Meadow and alternative lorry and car parking arrangements. Councillor Mrs PA Andrews asked about relocation of the football ground and the Team Leader Local Planning said he knew of no such proposals but that it would be possible to reorientate the ground on the present site. Councillor WJ Walling asked about the proposals for altering the route of the ring road and the Team Leader Local Planning said that a route had been identified to link Edgar St to Commercial Road. The Head of Planning Services said that the process to acquire land for the route would commence shortly and that it was seen as important for the road to be in the first phase of the Edgar St Grid scheme.

Having considered further details about the draft SPD, the Committee commended it to the Cabinet Member (Environment).

RESOLVED

That subject to minor amendments that may result from the internal consultation, the Cabinet Member (Environment) be recommended to approve the draft Edgar Street Grid Design Framework SPD for consultation purposes in line with the Town & Country Planning (Local Development)(England) Regulations 2004

137. REPORTS OF 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

138. DCSW2007/0104/F - REPLACEMENT DWELLING, THE VIEW, LITTLE BIRCH, HEREFORDSHIRE, HR2 8BA

The Development Control Manager provided the Committee with details of further correspondence that had been received since the report was prepared. He said that the Southern Area Planning Sub-Committee had been minded to grant permission contrary to Council policy and officer recommendation. The application had been recommended for refusal with regard to Policy H.7 of the Herefordshire Unitary Development Plan because the proposed replacement dwelling would be a substantial increase in size and scale and as such the resultant scheme could not be considered to be comparable with the existing bungalow.

In accordance with the criteria for public speaking, Mrs. Holt spoke in support of the application.

Members discussed the merits of the application and Councillor GW Davis drew attention to the poor quality of the bungalow which was not up to modern standards. He said that the applicants wanted to use the existing footprint of the bungalow and build upwards rather than outwards into the garden. The use of a dormer window design was such that although it would be a two-storey house, it would not be too overbearing. Councillor BF Ashton felt in this instance an exception could be made to policies because he was of the view that the proposals did constitute a reasonable departure and that the dwelling would be fairly well concealed and therefore not have an adverse affect on the nearby countryside. Councillor Mrs JE Pemberton pointed out that there were much larger dwellings nearby and that the proposals would not be out of place. A number of Members felt that the application should be approved because it was only seeking a modest sized dwelling to replace the existing bungalow and would be constructed on the same footprint. The situation could be further controlled by the removal of permitted development rights.

RESOLVED

That the application be approved subject any conditions felt to be necessary by the Head of Planning Services and the following:

E16 – Removal of permitted development rights**139. DCSE2006/3302/F - REMOVAL OF CONDITION 6 OF PERMISSION NE2000/2725/F SO THAT THE PROPERTY CAN BE USED TO ACCOMMODATE AN AGRICULTURAL WORKER AT THE HYDE, WOOLHOPE, HEREFORDSHIRE, HR1 4RD**

The Development Control Manager said that the Southern Area Planning Sub-Committee was mindful to grant planning permission contrary to the Council's policies and officer recommendation. He advised that the application concerned a chalet type mobile home within the grounds of The Hyde, a grade II listed building. The mobile home was granted permission in 2000 to meet the special needs of an elderly person with a condition that when the use ceased, the chalet should be removed. The applicants had now sought approval to remove the condition and allow the mobile home to be occupied permanently by an agricultural worker. He also said that a letter had been received from the agent acting on behalf of the applicants stating that they did not wish to have an agricultural occupancy condition imposed which would link the chalet to the existing farmhouse. He felt that there was a functional and financial justification for an agricultural worker's dwelling but that it was essential for there to be an occupancy condition. He felt that there was also scope within the existing buildings for the need to be met.

In accordance with the criteria for public speaking, Mrs. Drewett the applicants agent spoke in support of the application.

Councillor JW Edwards the Local Ward Member, shared the views of the applicants that it was essential for a stockman to be living on site and that the applicants could not manage the farm on their own during peak times such as lambing. The existing farmhouse was a large six-bedroomed building with high maintenance costs. It was not practicable for the applicants to make it available for a stockman and try and find alternative accommodation nearby, which would be beyond their means. He felt that the only practical alternative was for the application to be granted and that this could be done with an agricultural occupancy condition which tied the chalet to the farm.

The Development Control Manager reiterated his concerns that the continued use of the chalet was not essential to support the farming enterprise. He pointed out that there was existing accommodation which was available to meet the needs of the holding. In these circumstances a new dwelling, without any restriction on the existing farmhouse, would conflict with the Council's policies for development in the countryside as set out in the UDP. He was also concerned that approval without a restriction to prevent the separate disposal of the original farmhouse could lead to the farm house being sold off separately and lost to the farm.

Having considered all the facts about the application, the Committee decided that the applicants had put forward adequate grounds for approval and that it would be reasonable for permission to be granted but that there should be an agricultural occupancy condition on the chalet and a Section 106 Planning Obligation Agreement to tie the original farmhouse to the holding.

RESOLVED

that the Committee be minded to approve the planning application be approved subject to the completion of a Section 106 Planning Obligation Agreement to prevent the separate disposal of the farmhouse from the farm holding and any conditions felt to be necessary by the Head of Planning Services and subject to an agricultural occupancy tie to the existing farm holding

140. DEVELOPMENT CONTROL ANNUAL REPORT 2006 - 2007

The Development Control Manager presented his report, explained the main issues that it covered and answered questions from Members.

141. CHAIRMAN'S CLOSING REMARKS

The Chairman thanked the Committee and the Officers for all their hard work during the past four years. He said that there had been a number of outstanding achievements which had culminated in such aspects as the adoption of the Herefordshire Unitary Development Plan. There had also been notable improvements in performance which were particularly attributable to the newer officers who had joined the Council during the past eighteen months. He also remembered with great sadness the loss of Councillor Mrs RF Lincoln and the long-term illness of Councillor PG Turpin. The Committee in return expressed their appreciation for the way in which the Chairman had conducted the meetings.

142. DATE OF NEXT MEETING

13th July, 2007

PLANNING COMMITTEE

FRIDAY, 20TH APRIL, 2007

The meeting ended at 12.10 p.m.

CHAIRMAN