

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 28th September, 2007 at 10.00 a.m.**

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe,
DW Greenow, JW Hope MBE, B Hunt, G Lucas, RI Matthews, R Mills,
PM Morgan, JE Pemberton, AP Taylor, WJ Walling, PJ Watts,
JB Williams and JD Woodward

In attendance: Councillors KG Grumbley, KS Guthrie and RH Smith

36. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor DC Taylor.

37. MINUTES

RESOLVED: That the Minutes of the meeting held on 24th August, 2007 be approved as a correct record and signed by the Chairman

38. NAMED SUBSTITUTES (IF ANY)

Councillor JB Williams was appointed named substitute for Councillor DC Taylor

39. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

40. CHAIRMAN'S ANNOUNCEMENTS

DEVELOPMENT CONTROL PERFORMANCE

The Development Control Manager said that a report on performance in the first six months of the year would be completed after the end of September. He advised that the provisional Best Value Performance figures were as follows

Best Value performance figures for processing planning applications were:

April to mid September 2007	Performance	Target
Major applications in under 13 weeks	61%	60%
Minor applications in under 8 weeks	80%	65%
Other applications in under 8 weeks	91%	80%

This meant that all three BV 109 targets were being met.

BV 204 - Appeals

In the period April to mid-September 2007, **33** appeals against refusals of planning permission had been determined of which **10** had been upheld (**30%**). There was no national target for this figure, but the national average for last year was **34%**.

A full report on Development Control Performance for the first six months of 2007/08 would be presented to the next meeting of the Planning Committee on 23rd November, 2007.

PLANNING TRAINING DAYS

The Head of Planning Services said that the planning training day recently held for Members had been very successful and that the next one would be held on 12th October, 2007.

41. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 22nd August and 19th September, 2007 be received and noted.

42. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 29th August, 2007 be received and noted.

43. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 15th August and 12th September, 2007 be received and noted.

44. EDGAR STREET GRID DESIGN FRAMEWORK SUPPLEMENTARY PLANNING DOCUMENT

The Team Leader Local Planning presented the report of the Forward Planning Manager about appropriate changes to the Draft Edgar Street Grid Design Framework Supplementary Planning Document (SPD) arising from the comments received during the recent consultation process. He advised that the document was included within the Council's Local Development Scheme and was produced as part of Herefordshire's Local Development Framework. He said that the aim of the SPD was 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; and
- ensure delivery of a comprehensive, coordinated and sustainable development for the Grid area.

The Team Leader Local Planning summarised the comments that had been received and outlined the changes proposed to the SPD arising from these. He confirmed that the ESG Company had also been forwarded a summary of the comments received and informed of the intended response. He said that the amendments would relate to a significant redrafting which would greatly improve the document and its usefulness. He felt that the exercise had emphasised the role and importance of consultation in the preparation of planning documents.

The Committee discussed the proposals and asked questions about the document. Councillor R Mills asked if the principles of the SPD would apply throughout the County. The Team Leader Local Planning said that it was centred on guidance for the development of the Edgar Street Grid but that many of the principles could well apply to other areas within the County. Councillor RI Matthews was pleased to note that cycle routes would be included within the scheme which he felt to be a very important aspect. Councillor W Walling had some concerns about traffic flows around the grid, particularly the Commercial Road/Aylestone Hill area. The Head of Planning Services outlined the work that was being undertaken on a Traffic Master Plan which included the impact of the grid on the immediate vicinity and routes such as the A49 and would involve the cooperation of the Highway Agency.

RESOLVED

THAT it be recommended to the Cabinet Member (Environment and Strategic Housing) that the changes to the Draft ESG Design Framework SPD identified in the report be approved and that the document be adopted as part of the Councils Local Development Framework.

45. CONSULTATION ON PLANNING APPLICATION REQUIREMENTS

A report was presented by the Development Control Manager about changes to planning application procedures and proposed consultation arrangements. He said that the Government had decided to introduce a National Standard Planning Application form which would be mandatory from April 2008. He provided the Committee with details of the new requirements which also included arrangements for local planning authorities to set their own local requirements, known as Planning Application Requirements (Local) or PAR(L). He explained the consultation arrangements involved which should include:

- presentation of the draft PAR(L) to an Agents' Forum;
- written consultation with City, Town and Parish Councils;
- written consultation with normal statutory consultees on planning applications; and
- written consultation with a selection of non-statutory consultees taken from the list in the Council's Statement of Community Involvement, to include those with County-wide interests and who comment most frequently on planning applications.

The Development Control Manager proposed that the consultation period should take place during October and November 2007 with the outcome of those consultations being reported back to Planning Committee in January 2008 to consider the final version of the PAR(L). Councillor JB Williams welcomed the new proposals which he felt would engage local councils more in the planning process. Councillor GFM Dawe felt that the new process should include more to encourage sustainability and making provision to deal with climate change.

RESOLVED

THAT the consultation process proposed in the report of the Head of Planning Services regarding changes to the planning application procedures be approved.

46. DCNC2007/0667/O - SITE FOR THE ERECTION OF AN ADDITIONAL BUILDING FOR PROVISION OF CARE TO THE ELDERLY MENTALLY INFIRM AT PENCOMBE HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL

The Development Control Manager said that at the previous meeting the Committee had deferred consideration of the application to enable the views of the Primary Care Trust to be obtained about the proposals. He said that a letter has been received from the Agent acting for the applicants asking for the following matters to be taken into account.

- Let there be no mistake, demographically, an increasingly ageing population is inevitable and Herefordshire (being presently the second “oldest” County) will bear more than its fair share of this growth.
- Dementia, too, is demonstrably on the increase, hence the Mayor of Hereford, Cllr Chris Chappel’s Special Charity Project reported in last week’s Times. He tells us that there are already 2,575 people suffering from Alzheimer’s in Herefordshire, set to rise by 57% by 2021.
- Diane Topham (Commissioning Manager for Mental Health) at the PCT confirms beyond any doubt (her letter of 10 August) that there is a lack of EMI beds in Herefordshire and that additional capacity *“in a choice of locations is required to address this need”*.
- That acknowledged need had already been identified and reinforced by your own Head of Adult and Community Services when he responded to the original consultation as follows: -

“There are an insufficient number of care homes registered for the provision of EMI care in the County and this development if approved would provide an extremely valuable and additional resource in the Bromyard area.”

- The letter which caused last month’s deferment and which purported to represent the views of the partners of Bromyard’s Nunwell Surgery was not only a “red herring” but was actually written by one Doctor who has since retracted what he said. His only purpose in writing (see his letter of 04 September) was to ensure that the PCT had been consulted (which they had). He states that his original letter should not have been used as the reason for deferment.
- With regard to the suggestion that undue pressure would be placed on the District Nursing Service, Paul Ryan, overall Head of Commissioning for the PCT, has now responded (10 September) that *“we would NOT (our emphasis) have anticipated that the development of these beds would result in significant additional demands being placed on the District Nursing Service”*. This is because a Registered Nursing Home, as Paul Ryan acknowledges, would have its own fully qualified nurses on site and therefore not need to call upon the services of the local District Nurses in the first place.

- The supplemental updates to the July Meeting of the Main Planning Committee gave incorrect information about the number of beds. Emphatically, this application is for 40 new nursing beds only. The existing 30 beds at Pencombe Hall are for residential care and not EMI nursing. Furthermore, this application is no more “speculative” than any other that comes before you. As is evident, it addresses a very specific need for which provision (as the Joint Commissioning Plan 2007 states) can only be made by improving relationships with private sector providers. That Plan, to which Herefordshire Council is a partner, particularly notes “*a shortage of beds for people with mental health problems*”.
- Officers do not consider that there is any problem in relation to landscape, visual or design issues and there is no objection from the Council’s Transportation Department.

In view of all the above, we believe that this proposal provides an opportunity to be grasped, it does not infringe specific policies relating to Nursing Homes and is a case where a genuine and overriding need has been shown.

The Development Control Manager said that key issue was not the increasing number of elderly people in the County, or the current distribution of EMI beds, but the logic behind extending a current facility for 30 beds with a further 40 beds in a location which was remote from services and was not being done in response to an identified local need at or near the site. The Council’s own document “Growing Older in Herefordshire” (August 2007) was referred to the Agent in earlier representations to Committee. This document concluded with the sentence “All areas of policy are emphasising that the individual is at the centre of service design and delivery, rather than them having to adjust to services”. In this case a facility would be created in a location where there was no demand and to which residents would have to be moved to, the exact opposite of the policy intention of the Council towards elderly people. Staff and visitors would also have to travel from centres of population along narrow country lanes where there was no provision of public transport or any practical alternative to travel by private car. The appropriate place for a facility of this nature was in one of the County’s urban areas with easy access to related health facilities and where the need to travel by private transport could be minimised for staff and visitors.

Councillor B Hunt one of the Local Ward Members said that he fully supported the policies within the UDP but felt that there was scope for each case to be considered on its merits and that permission could be granted in exceptional circumstances. He said that the proposal represented the provision of specialist nursing EMI accommodation and facilities adjacent to an established elderly care home, which was in a totally secluded countryside location. He was of the view that the applicant and other health professionals had demonstrated an increasing need for this facility which was underprovided in Herefordshire. He was of the view that the site was sustainable by the virtue of its self-contained nature, on-site services and the expansion of the existing skilled personnel which would be run by the existing management. The adjoining road network was adequate to serve the low level increase in traffic and he felt that the applicant has adequately demonstrated that there were sufficient material planning considerations to outweigh arguments against it and that it therefore satisfies policies (S1.DR2.CF7) of the Herefordshire UDP 2007 and the guidance in planning policy statement ‘sustainable development in rural areas’ and the Herefordshire Community Strategy ‘care for the elderly’. He proposed that outline planning permission be granted with all detailed matters to be reserved and any other conditions considered appropriate by the officers.

The Head of Planning Services reiterated that the application did not satisfy the requirements of Policies S1, DR2 and CF7 of the UDP and the guidance in Planning Policy Statement 7 – Sustainable Development in Rural Areas. It was therefore necessary for the Committee to decide if there were sufficient material planning considerations to outweigh these factors. Having discussed all the aspects of the application, the Committee concluded that there were sufficient grounds for approval to be granted.

RESOLVED

THAT outline planning permission be granted with all detailed matters to be reserved and any other conditions considered to be appropriate by the officers.

47. DCNC2006/3893/F - DEMOLITION OF REDUNDANT RACING STABLES AND ERECTION OF 4 NO. 3 BED HOUSES (LOW COST MARKET) TOGETHER WITH 8 PARKING SPACES AT RISBURY RACING STABLES, RISBURY, LEOMINSTER, HEREFORDSHIRE, HR6 0NQ

The Development Control Manager said that at the previous meeting the Committee had decided that there was a need for the officers to hold more discussions with the applicants about the issues that had been regarding a planning obligation under Section 106 of the Town and Country Planning Act and decided that the matter should be deferred to allow this. He advised that Additional representations had been received, on 26th September 2007, from Mrs White of Pentwyn, Risbury as follows:

As stated in previous correspondence concerning this case Risbury is not the place for social/affordable house as there is no amenities for the type of people these houses are planned for, Risbury is served by a very inadequate public transport service no post office no shop no pub if people require to drink, no facilities for out of school activities, the roads are very inadequate to take the possibility of another 8 vehicles with access whatever works are carried out, you cannot get away from the fact it will be on the brow of a hill on a bend and the road is very narrow. These people would be coming to a completely different type of life in a very rural area from one that sure they have come from the town where they have most things on hand It is very hard for original villagers who have been born and bred in Risbury and reared a family and wish to build either in their gardens or land they own accommodation for their children to avoid them leaving the environment they have been bought in being refused permission, and we get someone like Mr Kelsall wanting to build on yet another money making scheme, and we all know of the recent ongoings of Mr Kelsall, so why should he be allowed to build for profit and villagers refused no wonder feelings are running high in Risbury

We ask with all respect that the meeting on 28th September will go along with what we all in Risbury want and that is a refusal and show that they will support us all in this matter.

Representations have also been received on 27th September 2007 from Mr Shelley of The Birches Farm as follows:

1. I believe the applicant - Mr Kelsall - is renowned in the area for flouting the planning system and abusing planning concessions. In the recent past he applied to build equine dwellings for stable workers in connection to alleged stables near the site, then not long after he got the permission he changed his mind (despite local objections) and applied to build executive

dwellings instead. Not long after that he got the equine tie removed from the executive dwellings and sold the properties on the open market for maximum profit. These facts - all on your records - seem to show a pattern of non-genuine intent and I believe that Mr Kelsall is trying the same tactic again and has made a non-genuine application which he intends to change once permission has been obtained. Thus he would have deliberately abused concessions and made a mockery of the planning policies that are supposed to protect the locality.

2. The site is immediately next door to Gallop View which is a luxury private dwelling occupied by a family who have recently bought it. Prior to this, Mr Kelsall and his family owned and lived at the property. It is understood that Mr Kelsall applied to have the affordable dwellings built when he himself owned and lived at Gallop View. The affordable dwellings would have then been right on his doorstep, and severely blighted his home, but that didn't matter to him because he was reaping the profit and he was planning to move away. It is understood that when Mr Kelsall moved away and sold Gallop View to the current occupants he did NOT reveal to the agents or to the buyers that planning had been applied for the 4 affordable dwellings. Apparently the application failed to show up on searches made by the current owner/occupants of Gallop View prior to them buying the house. The current owners would not have wanted to live in a supposedly luxury home when 4 affordable dwellings were being built right on their doorstep. It may be that some underhanded tactics have occurred so that the application was 'hidden' from anyone looking? This is very fishy!

3. Risbury is a middle class village containing luxury homes that house retired, professionals, solvent and financially sound people. It would be detrimental to the locality to build affordable dwellings which by their very name suggest they would house disadvantaged people and in turn would blight the current tone of the village. There is no public transport serving the area and no local shops or public facilities nearby to serve the area. People who buy affordable housing are usually people lower down the social ladder who would require bus services, shops and facilities and as there are none in Risbury it is foolish to build affordable housing there. There are eight 'housing association' houses four miles along the road (eastbound) at Sparrington. These houses contain several families on DSS benefit. Said families complain about 'no bus service', and 'no shops'. Some of these people are often seen hitch-hiking along the lane. Also, the houses are a blot on the landscape because there are abandoned vehicles strewn around outside, and caravans in the front gardens containing other occupants. You can see this for yourself if you go and look. These houses were originally built as farm workers cottages, one cottage for each of the local farms, but personal greed of the farmers saw them selling the properties on the open market. The Housing Trust bought them and filled them with disadvantaged families. This is not a suitable place to house people who are not solvent or comfortably off. Neither is Risbury or anywhere else around the locality. Affordable housing built in the locality is detrimental to the locality and its occupants.

He also advised that there had been further correspondence between the applicant's solicitors and the Council to secure an agreed draft Section 106 Agreement to control the "Low Cost" nature of the houses and the means of securing that in perpetuity

He said that the view of the Officers was that the matters raised by the letters of objection above had already been covered where they raised material planning issues in the report. The scheme had the tentative support of the Strategic Housing

Team subject to final details of the draft Section 106 agreement to ensure that not only are the houses marketed at "Affordable" levels when first built, but that they are also pegged at below market rates for any subsequent sales. This may require a supplementary agreement with every subsequent sale. If this could be achieved then the scheme would deliver four low cost houses which fell within the definition of "Intermediate houses" in PPS3, Housing and therefore could be accepted as Affordable Houses. This was a significant change from the proposals as reported to both the Northern Area Sub-Committee and the Planning Committee at previous meetings. He advised that the conflict with UDP Policy H10 was restricted to two issues:

1. Officers remained concerned that the site was not a sustainable location for affordable houses because of its remoteness from services and facilities. The Housing Needs Survey has identified a needs in the group of parishes but it would be better satisfied in the larger settlements such as Bodenham or Stoke Prior rather than in Risbury. There was therefore conflict with criterion 5 of the Policy.
2. Criterion 7 of the Policy specified that in cases such as this only one affordable house would be appropriate. The proposal was for four houses.

He said that In the light of the continued conflict with criteria 5 and 7 of Policy H10 the recommendation remained one of refusal.

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

Councillor KG Grumbley the Local Ward Member said that the Housing Needs Survey had identified a requirement for 16 affordable homes in the Group Parish which he felt that this scheme would be ideal to contribute to. The applicant would enter into a legal agreement to retain the dwellings for social housing in perpetuity and would construct them to a high standard. He therefore requested that the Committee consider granting permission with appropriate conditions about vehicular access and drainage.

Notwithstanding the views of the Officers, several Members agreed with the Local Ward Councillor that it was difficult to provide suitable accommodation in the rural areas and that an exception could be made to the planning policies within the UDP.

RESOLVED:

1. **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 in accordance with the Heads of Terms to be prepared by the Officers in respect of affordable housing and incorporating any additional matters he considers appropriate.**
2. **upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**
 - (i) **vehicular access**
 - (ii) **disposal of foul and surface water drainage**

48. DCNW2007/2326/F - PROPOSED AREA FOR THE DISPLAY OF DECORATIVE GARDEN PRODUCTS AT THE OAKS, MARSTON, PEMBRIDGE, HEREFORDSHIRE HR6 9HZ

The Development Control Manager said that at its meeting on 22nd August 2007 the Northern Area Planning Sub-Committee was mindful to approve the application on the following grounds:

- a temporary three year trial period;
- restrictions on nature of use and delivery times;
- restriction on hours of business;
- restrictions on any lighting for the site;
- landscaping conditions; and
- reinstatement of the site in the event that the business ceases

In the debate the members of the Area Sub-Committee had given weight to the concept of farm diversification and the need to encourage businesses in rural areas. It felt that the road access to the site was adequate given the low level of traffic using the lane and the existence of four passing bays. It had been recommended that the application be refused because it failed to comply with a number of policies within the UDP.

In accordance with the criteria for public speaking, Mr Locke and Mr Beaumont Spoke against the application and Mr Davies the applicant spoke in favour.

Having discussed details of the application, the Committee concurred with the views of the Officers that the proposal constituted a commercial use in open countryside, divorced from any business and was of no benefit to the local community.

RESOLVED

That planning permission be refused for the following reason:-

the proposed development represents a form of unsustainable development in a rural location, unlikely to be accessed by modes of transport other than private motor vehicles. Furthermore the proposal will also have a detrimental impact on the landscape character of the surrounding area by means of its domestic nature.

therefore, the proposed development is contrary to policies S1, S2, DR2, DR3, DR4, E11 and LA2 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 7 Sustainable Development in Rural Areas.

49. DCCE2007/2237/F - REPLACEMENT DWELLING AND CONTINUED TEMPORARY USE OF EXISTING OUTBUILDING AS FULL RESIDENTIAL ACCOMMODATION. (ALTERNATIVE SITING OF APPROVED DWELLING UNDER CE2002/1868/F). SWISS COTTAGE, WHITESTONE, HEREFORD, HEREFORDSHIRE, HR1 3SE

The Development Control Manager said that at its meeting on 29th August 2007 the Central Area Planning Sub-Committee was mindful to approve the application contrary to a number of planning policies. The Area Sub-Committee gave weight to the fact that planning permission already existed for a replacement dwelling on part of the site and took the view that the application did not raise any new point of

principle. It was felt that the siting proposed was acceptable provided that the removal of the existing planning permission and the removal of the current residential structure on the site was secured through a Section 106 agreement. They appreciated the desire of the applicant to have a siting which was further away from the railway line and the site of the proposed passenger station and park-and-ride site at Whitestone. They also noted that the applicant has the full support of the Parish Council. Discussions with the applicant since then revealed that he was not prepared to demolish the existing structure and the application was therefore recommended for refusal.

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

Councillor DW Greenow sympathised with the position of the applicant and, subject to appropriate landscaping and screening, felt that there would be minimal impact on the landscape character of the area. He commented on the apparent blight caused by allocation of land south of the railway line as a possible passenger railway station and park and ride area in the UDP. It was noted that no objections had been raised by the Traffic Manager, Lugwardine Parish Council or Withington Parish Council. Given these considerations, he felt that the application should be supported. He felt that appropriate conditions could be imposed to ensure that the existing residential structure could be used as a gym and workshop ancillary to the new dwelling by the applicant but no longer for residential purposes or sold or let separately. Having considered all the facts, the Committee was agreeable to the application on this basis.

RESOLVED: That

planning permission be granted subject to the condition listed below and any further conditions felt to be necessary by the Officers:

- 1. A S106 Agreement or other appropriate mechanism to enable the rescinding of the extant permission for a replacement dwelling and the existing annex accommodation being used ancillary for a workshop/gymnasium but not to be used for residential purposes or sold or let separately.**

50. DCSW2007/2010/F - ERECTION OF A FARM DWELLING WITH DOUBLE GARAGE, UPPER NEWTON FARM, NEWTON ST. MARGARETS, VOWCHURCH, HEREFORDSHIRE, HR2 0QU.

The Development Control Manager said that at its meeting on 15th August 2007 the Southern Area Planning Sub-Committee was mindful to approve the application contrary to a number of planning policies. The Sub-Committee had given weight to the nature of the farm and the family circumstances of the applicant who lived nine miles away and his parents lived in the existing farmhouse. They considered that the needs of the farm were sufficient to justify a second dwelling and that the existing barns on the site were not suitable for conversion. They also considered that, given the low level of traffic, the highways objection was not one that could be supported. They also noted that the applicant had the full support of the Parish Council. The Sub-Committee favoured granting planning permission with an agricultural occupancy condition on the new dwelling, but not the existing farmhouse.

The Development Control Manager presented the following updates:

The Traffic Manager has considered the recently submitted traffic survey

figures and comments as follows:

The development would intensify the vehicle movements and I feel the information provided for vehicle movements along the U74205 does not change my recommendation, improvements to the visibility would need to be undertaken.

The information suggests concentration of vehicles between 8:00 and 9:00 am, this may well increase outside school holidays and could conflict with farm traffic especially during school runs.

It follows that the highway safety reason for refusal remains as part of the recommendation.

The County Land Agent has considered the updated agricultural appraisal and confirms that the figures can justify 2 full time workers rising to 2.15 depending on the future development of the farming practice.

The Officers were of the view that the total amount of labour needed to manage and maintain the farming enterprise was not disputed. However, there was an existing farmhouse on the site and the need for additional labour could therefore be satisfied without the construction of a new dwelling. The highways objection has not been resolved and both reasons for refusal remained relevant. If, however, Members took the view that a second dwelling on the site is acceptable then consideration needs to be given three further issues:

1. the scope of existing structures on the site to be converted to residential use
2. the need to apply occupancy conditions to both the existing farmhouse and any new dwelling (to be consistent with the view that the holding justifies two dwellings)
3. any measures necessary to overcome the highways objection

In accordance with the criteria for public speaking, Mr Herdman of Newton Parish Council and Mr Howie the applicant's agent spoke in favour of the application.

The Committee discussed details of the application and had a great deal of sympathy for the circumstances facing the family and the practicalities of farming with the distances having to be travelled by the applicant and the father having difficulty with the physical work. The practicalities of converting existing buildings were examined and it was noted that whereas there would be some drawbacks, this would be possible. Councillor JB Williams the Local Ward Member felt that the layout of the farm was such that conversion would be costly, there would be a need to provide alternative barns for storage and the driveway would need to be re-routed to avoid any safety issues arising from agricultural vehicles. He did not agree that a highway safety issue would arise in the approach roads to the farm where traffic was very light. A proposal that permission should be granted was however lost and the application was subsequently refused by the casting vote of the Chairman.

RESOLVED

That planning permission be refused for the following reason:

1. **Having regard to Policies H.7 and H.8 in the Unitary Development Plan 2007, the proposed dwelling is considered to be unacceptable. The proposal constitutes development in open countryside, divorced from any settlement and there is considered to be insufficient justification such that an exception should be made to these policies. This is also with regard to the need to utilise existing buildings in preference to new development. In addition, the erection of a dwelling in this location would**

be contrary to the provisions of PPS.7 that seeks to protect the countryside for its own sake from unwarranted development.

51. DCSW2007/2543/O - SITE FOR NEW DWELLING IN GARDEN OF SANDRIDGE, BARRACK HILL, KINGSTHORNE, HEREFORDSHIRE, HR2 8AY

The Development Control Manager said that at its meeting on 15th August 2007 the Southern Area Planning Sub-Committee was mindful to approve the application contrary to a number of planning policies. The Sub-Committee had expressed the view that the cluster of houses on Barrack Hill could be properly regarded as being within the settlement of Kingsthorne, and therefore the site should be considered as an appropriate form of infill development. In particular there were existing houses to north, south, east and west of the site. They felt that a strict application of the "30 metre" frontage criterion was not appropriate in this case. They also noted that the applicant has the support of the Parish Council and the application had given rise to no objections other than from planning officers.

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

Councillor RH Smith the Local Ward Member was of the view that the application had arisen from a genuine need to help with the care of a family member. He felt that without the benefit of a defining boundary or envelope within the UDP it was not easy to determine where the application site lay but that it could be seen from adjoining properties that it fell within Kingsthorne. He also felt that it met all the criteria of Policy H6 which had a degree of some flexibility. He did not agree with the interpretation of what constituted infill development and frontage and that the application site would adequately fit between existing buildings and be in a well-screened location. He therefore requested that the Application be approved.

Councillor PGH Cutter felt that the application site fell within the settlement boundary for Kingsthorne and noted that there were a number of existing dwellings nearby.

The Development Control Manager advised Members that the application site did not fall within the settlement boundary as defined in the UDP, he also noted that the criteria contained in Policy H6 stated that the frontage of the site could be no more than 30 metres but the proposed site had a frontage of 55 metres and was therefore contrary to Policy.

Members discussed the application and felt that there was a local need for the proposed dwelling and that given the particular circumstances of the application, there was scope within the UDP policies for an exception to be made.

RESOLVED

That the application be approved subject to the conditions considered to be necessary by the Officers.

52. DCCW2007/2160/F - INSTALLATION OF 2.5KW WIND TURBINE AND PHOTOVOLTAIC ROOF PANELS AT MARDEN PRIMARY SCHOOL, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3EW WIND TURBINE MARDEN

The Development Control Manager presented a report about an application for the to erection of a wind turbine at the rear of the school. He said that including the 2.5-kilowatt turbine with a three-blade rotor, the mast would be 14.5 metres high. He also said that the scheme would include photovoltaic roof panels on part of the

south-facing slope of the roof of the school.

Councillor K Guthrie the Local Ward Member said that there were many commendable aspects to the proposal but that there had been some objections raised. The Development Control Manager explained how the mast would be incorporated into the school behind its highest point and that the Environmental Health and Trading Standards Manager was of the view that the predicted noise levels from the wind turbine are unlikely to cause nuisance to nearby residences.

RESOLVED

That planning permission be granted subject to the following conditions and any additional 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 wind turbine and associated equipment shall be kept in a good decorative order and maintained in accordance with the manufacturer's specification until removed.**

Reason: In order to protect the visual amenity of the area.

3. **Within six months of the wind turbine becoming redundant it shall be removed together with all associated equipment and the land restored.**

**Reason: In the visual interest of the locality.
Informatives:**

1. **N19 - Avoidance of doubt.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

53. DATES OF FORTHCOMING MEETINGS

18/1/08, 29/2/08 & 11/4/08

The meeting ended at 1.20 p.m.

CHAIRMAN