

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 29 February 2008 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, KS Guthrie, JW Hope MBE, B Hunt, RI Matthews,
PM Morgan, JE Pemberton, AP Taylor, WJ Walling, PJ Watts,
JB Williams and JD Woodward

In attendance: Councillors JG Jarvis and SJ Robertson

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G Lucas, R Mills and DC Taylor.

90. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed;-

MEMBER	SUBSTITUTE
G Lucas	PD Price
R Mills	K Guthrie
DC Taylor	JB Williams

91. DECLARATIONS OF INTEREST

Councillor JB Williams declared a personal interest in Agenda Item No 15. (Minute 103) - DCNW2007/3633/F - change of use from agricultural land to 6 holiday lodges (lodge style caravans) at Park Gate Farm, Lyonshall

92. MINUTES

93. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that an additional meeting had been arranged for 23 May 2008 because of the gap between the meetings in April and July.

The Development Control Manager said that the Appeal lodged by S&A Davies regarding unlawful development in connection with their fruit growing business at Brierley Court had recently been lost in the High Court and that they now had to comply with the Council's enforcement action for its removal.

94. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 16 January and 13 February 2008 be received and noted.

95. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 23 January and 20 February 2008 be received and noted.

96. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 6 February 2008 be received and noted.

97. ARCHAEOLOGY AND DEVELOPMENT SUPPLEMENTARY PLANNING DOCUMENT

The Conservation Manager presented a report about a draft consultation of a Supplementary Planning Document (SPD) which set out the Council's policies and approach to managing archaeology within the planning process. He advised that the SPD was included in the Council's Local Development Scheme and was being produced in accordance with regulations introduced under the Planning and Compulsory Purchase Act 2004. It expanded upon a range of archaeology policies set out in Development Plan Documents and would form an important part of the Herefordshire Unitary Development Plan. He said that when it was adopted the SPD would be a material consideration in the determination of planning applications.

Councillor GFM Dawe was concerned that the proposals should include provision for Ward Members to be informed of archaeological investigations in their wards at the earliest opportunity. He also felt that the document was somewhat verbose and would benefit from an executive summary. The Conservation Manager drew attention to the section which made provision for Ward Members to be kept informed of activities. He explained that the document needed to be as comprehensive as possible to provide information for developers but he welcomed the views of the Committee which would be incorporated into the draft where appropriate.

RESOLVED

THAT subject to the foregoing, it be recommended to the Cabinet Member (Environment and Strategic Housing) that the draft Archaeology and Development Supplementary Planning Document be published for consultation purposes.

98. HEREFORDSHIRE SHOP FRONT DESIGN GUIDE

The Conservation Manager presented a report about a draft Shop Front Design Guide which was proposed for consultation with relevant parties. He said that prior to Herefordshire becoming a Unitary Authority, shop front guidance documents were in place for Hereford City and South Herefordshire. The two documents had been amalgamated and enhanced to produce a single document which was aimed at providing guidance which would apply throughout the County. The Team Leader (Building Conservation) explained the main features of the new document and how it could be applied to ensure that the unique features and character of the towns, villages and Conservation Areas were complimented and retained, particularly where the shop front was part of a Listed Building. He advised on the internal consultation that had taken place with officers and proposed that consultation should now take place with relevant parties. Any material objections would subsequently be considered and reported back to the Planning Committee and Cabinet Member for

final approval of the Design Guide.

The Committee asked questions about the way in which the guidance would be applied to the Edgar Street Grid in Hereford in relation to the historic City and to the market towns. The Conservation Manager explained the powers that were available to the Council in addition to the guidance, including listed building consent, Article 4 Directions and the removal of Permitted Development Rights.

RESOLVED

THAT the Herefordshire Shop Front Design Guide be commended to the Cabinet Member (Environment and Strategic Housing) for consultation purposes.

99. PROPOSED CHANGES TO TREE PRESERVATION ORDER PROCEDURES

A report was presented by the Conservation Manager about a consultation document from the Department of Communities and Local Government (CLG) about proposals to change Tree Preservation Order (TPO) procedures. He provided the Committee with details of the proposals and was of the view that the proposed changes may result in minor savings in some areas of work but that in other areas there may be increased pressure on staff resources. This would be dependent on the extent to which the public requested pre-application advice and the ability to bring forward changes in working practices through the application of new technology. In researching the effects that the changes might have, attention had been drawn to the need to establish a programme for the review of TPOs; particularly those containing 'Area' designations and those made prior to March 1975 and this may have resource implications for the service. He advised that he would need to prepare a further report to the Committee about these matters.

The committee discussed the details of the proposals and Councillor ACR Chappell was of the view that it was imperative that Local Ward Members be consulted on any proposals for their Wards and that neighbour notification should also include local residents associations where appropriate. The Conservation Manager mentioned that there was already provision to consult the Local Ward Member, parish/town Council and Area Planning Sub-committee. He would also take on board the comments of the Committee.

RESOLVED

THAT the proposed changes to the Tree Preservation Order procedures recommended by the Department for Communities and Local Government, be supported, subject to further clarification and guidance relating to submission of supporting evidence in connection with 'health and safety' related applications; and satisfactory provision being made for local consultation.

100. CONSERVATION AREA APPRAISALS FOR KINGTON AND PEMBRIDGE

The Team Leader (Building Conservation) presented the report of the Head of Planning Services about the latest draft Conservation Area Appraisals prepared for initial consultation with relevant parties. He said that In April 2006 the Committee had recommended the consultation arrangements regarding a programme for the preparation of appraisals and management proposals for sixteen Conservation Areas in Herefordshire. . The results of the consultation process had helped to formulate the management proposals which formed part of the next stage of work in

relation to the particular Conservation Areas. The Appraisals which had been approved for consultation to date were Hampton Park, Almeley, Weobley, Ross On Wye, Mordiford, Dillwyn, Aylestone Hill, Bosbury, Cradley, Much Marcle, Orleton and Sutton. He presented details of the draft Conservation Area Appraisals which had been prepared for Kington and Pembridge and these were discussed by the Committee. He advised that the final two areas to be covered were Leominster and Hereford City although the latter would be part of the urban characterisation study as part of the Local Development Framework for Hereford.

Councillor Mrs JE Pemberton was concerned that when the study had been undertaken for Mordiford it had been agreed that meetings should be arranged involving Local Members and the parish council. The Conservation Manager explained that the studies themselves had involved a considerable amount of effort and staffing resources but that the stage had now been reached where the local Members and parish councils could be involved. In answer to a question by Councillor RV Stockton the Head of Planning Services said that the recent appraisals concentrated on the historic core of the town or village involved compared to those undertaken in the previous decades which included a wider envelope. He said that the development of land outside this core however was carefully controlled by the Unitary Development Plan in relation to each Conservation Area. Councillor PGH Cutter congratulated the officers for their hard work in undertaking such important studies.

RESOLVED THAT:

the Cabinet Member (Environment) be requested to accept the appraisals for Kington and Pembridge together with the issues raised in association with them for consultation with interested parties.

101. CONSULTATION ON PLANNING APPLICATION REQUIREMENTS

The Development Control Manager presented a report about the new planning application procedures and the outcome of consultation on the document "Planning Application Requirements (Local)". He said that the Government had decided to introduce a National Standard Planning Application form which would be mandatory from April 2008. The Government had established minimum standards for planning applications which must be met by applicants. These would comprise of national minimum standards, to be known as Planning Application Requirements (National). The government had also made provision for Local Planning Authorities to set their own local requirements, known as Planning Application Requirements (Local). In order for the local requirements to be enforceable they had to be publicised and consulted upon before being brought into use and a programme for consultation was agreed by the Committee in September 2007. He provided the Committee with details of the consultation process which included:

- presentation of the draft PAR(L) to an Agents' Forum in January 2008
- Written consultation with City, Town and Parish Councils in January and February 2008
- written consultation with normal statutory consultees on planning applications at the same time
- written consultation with a selection of non-statutory consultees taken from the list in the Council's Statement of Community Involvement, i.e. including those with County-wide interests and who comment most frequently on planning applications – also in January and February 2008

The Development Control Manager said that eleven further representations had

been received from Parish Councils, interest groups and local agents. Arising from these he would be undertaking some minor updating of the document where appropriate but added that the main composition of the document would remain the same. He also reported on the outcome of meetings with the Planning Portal in respect of the implementation of the standard planning application forms known collectively as 1-APP, and with Northgate, the supplier of the Council's IT System for processing planning applications. The Committee noted the details of the new arrangements and agreed with the approach suggested by the Development Control Manager for the introduction of, and compliance with, the requirements.

RESOLVED THAT:

the Planning Application Requirements (Local) document be adopted for use subject to any minor drafting changes to be agreed with the Chairman, and be brought into operation on a date also to be agreed with the Chairman but in any event, no later than the implementation date for the standard planning application form 1-APP and the final adoption of the Supplementary Planning Document on Planning Obligations.

102. LOCAL GOVERNMENT CALL IN DIRECTIONS CONSULTATION REPORT

A report was presented by the Head of Legal and Democratic Services about consultation from the Department for Communities and Local Government with regard to the call- in procedures in relation to planning applications. He advised that the Department had issued the consultation paper in December 2007 and that it set out revised procedures regarding the call in directions for matters to be considered by the Secretary of State. The government's view was that the present call in process was delaying the process of dealing with planning applications and therefore his intention was to ensure that as many applications are dealt with at a local level by the local authorities concerned. The Head of Legal and Democratic Services explained how the new proposals would operate and drew attention to the guidance document which had been sent to Members. The Committee endorsed the approach suggested by the Head of Legal and Democratic Services in dealing with the issues.

RESOLVED THAT:

- (a) the committee's observations on the consultation be noted and reported to the Department for Communities and Local Government**
- (b) an update report to be made available to the committee following the publication of the final guidance by the Communities and Local Government Department.**

103. DCNW2007/3633/F - CHANGE OF USE FROM AGRICULTURAL LAND TO 6 HOLIDAY LODGES (LODGE STYLE CARAVANS). PARK GATE FARM, LYONSHALL, HEREFORDSHIRE, HR5 3HY

The Development Control Manager referred to a letter dated 26 February which had been sent to Members in support of the application. He advised that the letter raised no new planning issues in relation to the application. He said that the Northern Area Planning Sub-Committee was mindful to grant planning permission contrary to recommendation and that the Head of Planning Services had decided to refer the matter to the Planning Committee. The Sub-Committee had given weight to the relatively secluded nature of the site which would limit the impact of the proposed lodges in the wider landscape. It had also felt that the nature of this type of tourism

was car based anyway and, consequently, the argument against the development on grounds of its likely encouragement of the use of private transport was not appropriate. It did not feel that the presence of the unregistered park carried significant weight and was of the view that the scheme would help to boost tourism. It also noted that the application for six lodges had been scaled down from the initial proposal for twelve and decided that permission should be subject to conditions which would secure full disabled access to all of them and that there should be a time restriction in the length of stay in them to prevent them becoming permanent residential units.

The Committee discussed details of the application and noted the views of the Area Planning Sub-Committee. Councillor ACR Chappell had a number of concerns about the rural economy and felt that initiatives such as this would help to stimulate it.

Councillor DW Greenow referred to the comments by the local gamekeeper about shooting in the area and had some concerns about the safety issues regarding those who would be holidaying in the proposed chalets. Councillor JD Woodward asked about the proposed occupancy and the Development Control Manager advised that the Northern Area Planning Sub-Committee had proposed conditions that would limit occupancy for holiday use only. Councillor RI Matthews felt that the proposal was attractive and imaginative. Councillor B Hunt said that the Sub-Committee had felt that the proposal would be of considerable benefit to the rural economy and would be unobtrusive in the landscape. The head of planning Services advised that regardless of the views of the Sub-Committee, the proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to policies S1, S6, DR2, DR3, DR2, LA2, E12, RS14 and LA4 of the Herefordshire Unitary Development Plan. It would also be contrary to the objectives of PPS7 regarding Sustainable Development in Rural Areas. Having further considered the matter the Committee did not feel that there were sufficient grounds to breach the Council's planning policies and that the application should be refused.

RESOLVED THAT

planning permission be refused for the following reason:

the proposed development, by virtue of its scale, nature and siting would be an inappropriate form of development that would have a detrimental impact on the landscape and character of the immediate area and on the unregistered park contrary to policies DR2, LA2, E12 RST 14 and LA4 of the Unitary Development Plan 2007. The proposed development, by virtue of its scale and siting would be an unsustainable form of development contrary to policies S1, S6, DR2 and DR3 of the Unitary Development Plan as well as the objectives of PPS7 Sustainable Development in Rural Areas.

104. DCCW2007/3403/F - PROPOSED CONVERSION OF EXISTING STONE BARN AND ATTACHED ANCILLARY BUILDING INTO 2 NO. RESIDENTIAL UNITS AT WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP

The Development Control Manager said that the Central Area Planning Sub-Committee was minded to grant planning permission contrary to recommendation. He said that three further letters have been received in support of the application. The letters were from residents local to Tillington and supported the provision of new family housing in the village which they felt would be of benefit to the local community, especially given the local connections of the applicants. He advised that

the view of officers was that these did not change the planning policy principles at stake. The Officers were prepared to recommend approval for the conversion of the substantial stone barn to a single new residential property, in accordance with the Council's policies, but the creation of the second residential unit did not comply with policy for the reasons explained in the report in that the conversion would require the substantial extension of the buildings and the re-use/replacement of elements of the complex which were not worthy or capable of conversion without major reconstruction. The proposal was therefore contrary to policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

Councillor SJ Robinson, the local Ward Member, said that the Sub-Committee had noted the local origins of the applicant and the stated desire to accommodate members of their extended family in the two new units. She was of the view that the additional units would help to sustain the rural area in general and Tillington in particular and was an appropriate form of affordable housing. She pointed out that the new development would not occupy a larger footprint than the buildings currently on site and would not extend the range of farm buildings into the countryside. The proposals would also enhance the area. In view of the local circumstances and the full support of the Parish Council, she felt that permission should be granted, possibly on the basis of a personal permission.

In accordance with the criteria for public speaking, Mrs Reynolds of Burghill Parish Council and Mrs Eagling the applicant, spoke in favour of the application.

Councillor RI Matthews was of the view that the application had considerable merit in providing accommodation for a local family. He was of the view that the Officers supported part of the scheme and that the imposition of appropriate conditions could tie it to the existing complex so that it could not be sold separately. The Committee discussed the merits of the application and the Head of Planning Services reiterated that the proposal conflicted with the development plan policies which sought to restrict barn conversions where substantial redevelopment of former barns was required to create a new residential unit to modern standards. Notwithstanding these views, the Committee decided that there were sufficient grounds for an exception to be made to the Councils policies and that permission could be granted.

RESOLVED THAT:

That the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 tying the new units to the existing farmhouse with conditions limiting occupancy of the units by the family, and any other appropriate conditions felt to be necessary by the Head of Planning Services.

105. DCSW2007/3515/F - THE ERECTION OF A DETACHED FARM DWELLING WITH GARAGE AND SMALL STORE, UPPER NEWTON FARM, VOWCHURCH, HEREFORD, HR2 0QU

The Development Control Manager said that the application was a minor modification to one previously refused by the Committee. The new application had been referred directly to the Planning Committee given the previous known support of the Southern Area Planning Sub-Committee to the original application. He said that the comments of the Council's County Land Agent had been received. His advice was that there had been no substantial change since the previous proposal. The extra stock number was minimal but does raise the SMD over the threshold. On the financial aspect the financial appraisal is on gross margin figures rather than audited accounts and there was no indication of increased costs. The financial

position had to be as existing and based on audited accounts. The financial test is not passed

The comments of the applicant's agricultural advisor have been received in response to those of the Council's County Land Agent. These comments referred to the fact that increased costs were included in the gross margin data. Also it is stated that the release of capital from the dwelling at Kentchurch (where the applicant currently lives) is not 'irrelevant' as stated by the County Land Agent.

The Development Control Manager said that the representations on behalf of the applicant did not significantly change the basis of the application. The County Land Agent remained of the view that the case for a new dwelling has not been made with regard to the Council's own policies in the Unitary Development Plan or the advice in Planning Policy Statement 7 as set out in the report to Committee.

The representations received clarify the basis of data provided and make reference to the views of the Council's County Land Agent, as regards the sale of property in Kentchurch. This sale is not relevant to the financial and functional viability of the enterprise at Upper Newton Farm.

In accordance with the criteria for public speaking, Mr Herdman of Vowchurch and District Group Parish Council and Mr Howey the agent acting on behalf of the applicant, spoke in favour of the application.

Councillor JB Williams, the local Ward Member, said that consideration needed to be given to the nature of the farm and the family circumstances of the applicant, who currently lived nine miles away, and his parents who currently live in the existing farmhouse. He pointed out that the land was not suitable for arable use and that livestock use needed a considerable amount of management and care, particularly at peak times. He felt 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 because of their headroom and setting on bedrock which would be expensive to excavate. There was a low level of traffic and objections from the Transportation Manager could not be supported. Councillor Greenhow shared these views and Councillor Price was of the view that there was sufficient flexibility within Policy PPS 7 for an exception to be made. Councillor PM Morgan pointed out that the existing farmhouse had been used by the family for four generations and did not see why a new dwelling was necessary in the open countryside in conflict with the Council's planning policies. The Chairman agreed with this view and felt that further investigation needed to be made by the family to explore alternatives which would meet the Councils policies.

Notwithstanding these views and the case put forward by the Officers, the Committee decided that there were sufficient grounds for an exception to be made to the Councils policies and that permission could be granted.

RESOLVED THAT:

That the Head of Legal and Democratic Services be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 tying the new unit to the existing farmhouse, and any other appropriate conditions felt to be necessary by the Head of Planning Services.

106. DCSE2007/3931/F - INSTALLATION OF SINGLE STOREY STRUCTURE FOR EXTENDED SCHOOLS SERVICES UNIT. JOHN KYRLE HIGH SCHOOL, LEDBURY ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7AJ

The Development Control Manager reported the following:-

Ross on Wye Town Council – No objections

A letter of objection has been received from M Lewis, 50 Three Crosses Road. The reasons are that building is too close to the boundary, in the past there have been supervision difficulties with pupils in the vicinity and there has been damage to her property and pupils have entered it. The new building would bring similar problems.

Councillor JE Pemberton asked for a deferral of the application for an appraisal into the costs of the proposals, the operation of the scheme and how any hazards would be dealt with. Councillors Watts and Woodward expressed similar views. The Southern Team Leader said that his report covered the planning issues involved and that any other matters were outside the remit of the Committee. A motion that the application be deferred was lost.

RECOMMENDATION

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.

INFORMATIVES:

1 N19 - Avoidance of doubt

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

107. DATE OF NEXT MEETING

11 April 2008

The meeting ended at 1.41 p.m.

CHAIRMAN