

**MINUTES of the meeting of Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 14 November 2008 at 10.00 a.m.**

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

Councillors: ACR Chappell, PGH Cutter, GFM Dawe, KS Guthrie,
JW Hope MBE, B Hunt, RI Matthews, PM Morgan, JE Pemberton,
AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors JG Jarvis

53. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H Davies, DW Greenow and G Lucas.

54. NAMED SUBSTITUTES (IF ANY)

The following named substitutes were appointed:-

Councillor KG Grumbley for Councillor GW Greenow.
Councillor R Mills for Councillor G Lucas.

55. DECLARATIONS OF INTEREST

There were no declarations of interest made.

56. MINUTES

RESOLVED: That the Minutes of the meeting held on 26th September, 2008 be approved as a correct record and signed by the Chairman, subject to the inclusion of the name of Councillor Mrs JD Woodward in the list of those present.

57. CHAIRMAN'S ANNOUNCEMENTS

Reeves Hill Wind Turbine Planning Application

The Chairman was of the view that the recent site inspection to Reeves Hill and Corwen had proved to be most informative. The Head of Planning and Transportation said that the forthcoming briefing for Members on 27th November about wind turbines would be very helpful in providing background information regarding the planning application when it went to the Planning Committee on 9th January.

58. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 24th September and 22nd October, 2008 be received and noted.

59. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meetings held on 1st October and 5th November, 2008 be received and noted.

60. SOUTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the meeting held on 15th October 2008 be received and noted.

61. WEST MIDLANDS REGIONAL SPATIAL STRATEGY: PHASE TWO REVISION

The Planning Policy Manager presented the report of the Head of Planning and Transportation about a proposed response to the updated Phase Two Revision of the Regional Spatial Strategy, in the light of the proposed revised housing allocations published on 7 October 2008. He advised that the current version of the RSS was issued by the Government in 2004 and was followed by a phased review. The first phase, which dealt with the Black Country, had been completed and the second phase had reached an advanced stage. It dealt with housing, employment, the role of town centres, waste and some aspects of transport. The third and final phase had begun in November 2007 and covered rural services, gypsy and traveller sites, culture, minerals and environment policies. The Regional Assembly had worked closely with regional stakeholders in preparing the Phase Two Revision, and strategic planning authorities such as Herefordshire Council had submitted advice to the Assembly in 2006. Consultation was undertaken on Spatial Options which were considered by Cabinet in February 2007. A preferred option had been approved by the Assembly's Regional Planning Partnership in October, and submitted to the Secretary of State in December. It was reported to Planning Committee on 23 May 2008 and considered by Cabinet on 29 May 2008. Cabinet had offered general support to the Revisions subject to a number of issues regarding the infrastructure requirements of Hereford if growth was to be achieved; the peripheral expansion of market towns, housing targets and growth; retail floor space requirements; office development; waste policies and transportation issues. These matters were set out in the report of the Head of Planning and Transportation.

It was noted that throughout the process of preparing the revisions, the Government had been concerned about the need for a greater amount of affordable housing. It had taken advice from the National Housing and Planning and Advice Unit (NHPAU). The NHPAU had studied population and household formation trends at national and regional levels and had concluded that more housing was required. The Regional Office for the West Midlands had commissioned a study by Nathaniel Lichfield Partners (NLP) into the options for delivering a higher housing allocation, together with the impact that this would have within the regions. The NLP report had concluded that it was possible to deliver higher levels of housing without undermining the urban renaissance strategy for the Region. The examination in public into the Phase 2 Revision would not now commence until 28 April 2009 and that the proposals included an additional 1,200 dwellings for Herefordshire which would be allocated to the rural areas. Consultees had been given until 8 December 2008 to finalise their comments about the Phase 2 Revisions. The Phase 2 Revisions, included the revised figures and formed the starting point for the Council's Local Development Framework. and It was therefore essential to define the Council's position on the RSS document and the NLP study to establish a basis for the Core

Strategy spatial options.

The Committee noted the concerns of the Planning Policy Manager about the proposed distribution of the increased housing allocation between Hereford and the rest of the County. The Phase 2 Revisions had introduced a new requirement that half of the new housing should be directed to Hereford. This equated to a significant increase in the rates of development for Hereford, being an increase of 54% on the Herefordshire Unitary Development Plan and 50% on what had been achieved in the recent past. Outside Hereford, the position was reversed with the rates of development proposed to fall. Past completion levels and UDP rates of development were significantly higher than those being proposed. This had raised the issue about whether sufficient provision would be made outside the City, bearing in mind the need to accommodate for the growth of the market towns and sustainable settlements in the rural areas. The Planning Policy Manager was of the view that the approach of the Cabinet had been a comprehensive and coherent response to the challenges facing the spatial development of the region up to the year 2026. He also felt that the Council should maintain its broad support for the Phase 2 Revision as submitted. He was concerned however that the NLP proposals threatened the consensus which had been achieved so far and may cause significant problems in parts of the region. Although the potential additional of 1,200 houses to the rural was not objected to, the main concern for Herefordshire remained the infrastructure necessary to accommodate the proposed level of housing growth. However, elsewhere in the region the proposed increase in housing numbers suggested by NLP remained a matter of concern and he therefore felt that it would not be appropriate to express support for the latest proposals in their entirety.

The Committee discussed the details of the proposals and the Planning Policy Manager explained a number of issues and answered questions from Members, including the likely impact of the proposed additional 1200 houses. Councillor B Hunt had some concerns about the effect on the market towns but the Planning Policy Manager did not feel that the proposed number across rural Herefordshire and the market towns would have a detrimental effect. In answer to a question from councillor GFM Dawe, the Planning Policy Manager said that Policy CF2 included the proposed outer distributor road amongst other issues such as higher education, retail, water treatment and the future of Hereford. Councillor GFM Dawe expressed his opposition to the proposals for the outer distributor road.

Councillor J Jarvis the Cabinet Member (Environment and Strategic Housing) said that he had considerable concerns about the way in which proposals were being put forward for the development of rural communities and that there were a number of concerns about the options which had been put forward by NLP. In his view the original quotas for housing should be adhered to. The Committee discussed the alternatives which could be moved forward. Councillor KG Grumbley proposed that the wording in the recommendation within the report could be changed from "not to object to the allocation of 1,200 additional dwellings" to "welcome the allocation of 1,200 additional dwellings". Councillor J Jarvis was of the view, however, that if this was incorporated, there may be a danger that more housing could be allocated to Herefordshire if other Councils successfully objected to their allocations. The proposal was put to the vote and the amendment to change the wording was lost. It was decided that the recommendation as set out in the report should be approved. Councillor GFM Dawe voted against the resolution.

RESOLVED: That it be recommended to Cabinet that the following representations be made:

- (i) to re-affirm previous representations made in May 2008 to

confirm general support for the Phase Two Revision with the reservations already set out;

- (ii) **not to object to the allocation of 1,200 additional dwellings in the rural areas during the plan period to 2026 as proposed in the Nathaniel Lichfield Study; and,**
- (iii) **to express concern that the increase in housing allocations suggested in the Nathaniel Lichfield Partnership study for the Region may have adverse consequences for the overall regional strategy.**

62. ANNUAL MONITORING REPORT 2007 - 2008

The Team Leader Strategic Planning presented the report of the Planning Policy Manager about the Annual Monitoring Report 2007 – 2008. He said that The Planning and Compulsory Purchase Act 2004 had introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's were based on the period from 1st April to 31st March and had to be submitted to the Secretary of State by no later than the following 31st December. He advised that the AMR' were required to assess the impact of the Councils planning policies and framework

The Committee considered the contents of the AMR and the Team Leader Strategic Planning highlighted the main features and outlined the extent to which the objectives of the Herefordshire Unitary Development Plan (UDP) policies were being met. He advised the Committee of the key findings which had revealed the following:-

- (I) housing – between 01-02 and 04-05 completions were below the rate anticipated. Recent releases of UDP sites had resulted in an increase in the rate of housing completions in the County with 829 dwellings being completed in 2007-8 (gross). The levels of housing supply in the County had suggested that the UDP housing target was likely to be achieved by 2011, however, the downturn in the housing market may well impact upon the rates of completions in the next few years. The percentage of housing completions on previously developed or brownfield land at 73% (606) had again exceeded regional and national targets. In terms of affordable housing, 141 units were completed in 07/08, an increase over the previous year (120 units). Moreover, the number of planning permissions for affordable housing and such housing likely to be delivered on allocated UDP sites suggested that the rate of completions over the remaining UDP period would increase. In addition, the preparation of the Local Development Framework provided an opportunity to review the effectiveness of the UDP affordable housing policies;
- (II) employment - The amount of land developed for employment uses over the monitoring period was 8.66ha ha, significantly less than the almost 25ha developed during 2006-7 but still above the average recorded since the 1980's. Around 59% of the completions in the year were located on previously developed (brownfield) land; and
- (III) in the remaining areas of transport, town centres and retail, recreational and leisure, minerals, waste, development requirements, natural historic heritage and renewable energy, findings generally demonstrated that targets were being met or that there had been progress towards meeting

targets or monitoring requirements during the 07-08 monitoring period.

The Committee discussed the main aspects of the report, recognised the importance of developing policies for renewable energy and climate change, and agreed with the approach proposed by the Team Leader Strategic Planning.

RESOLVED THAT:

the Annual Monitoring Report 2007-8 be endorsed and commended to the Cabinet Member (Environment and Strategic Housing) for submission to Cabinet.

63. POLYTUNNELS SUPPLEMENTARY PLANNING DOCUMENT

The Team Leader Local Planning presented a report about the comments which had been received to the draft Supplementary Planning Document (SPD) which had been prepared to provide planning guidance about polytunnel development. He said that it aimed to supplement and expand upon the policies which were contained within the Herefordshire Unitary Development Plan. The document had been under preparation for some time and had involved a considerable amount of consultation and information gathering. The process had started in July 2007 when the Council had published an Issues Report and had sought the views of Parish Councils, statutory undertakers, interested organisations, growers and stakeholders about the form that the document should take. This was followed by structured consultation events with representatives from the farming/growing community and with local individuals and representatives from interested lobby groups. The consultation process followed the Council's Statement of Community Involvement and the comments which had been received had helped to shape the draft SPD.

The draft SPD was endorsed by the Committee in April and approved for consultation purposes by Cabinet in June. Consultation took place from 26th June to 8th August 2008. The Team Leader Local Planning said that a summary of all the comments which had been made to the draft was set out in the report and that an additional letter of representation had been received from a local resident. In summary the request was for the reference to the zone of tranquillity being retained, because the buffer zone would not be as effective. The resident was of the view that a fifty-metre zone did not afford enough protection to a dwelling and should be increased to seventy-five metres from the boundary of a dwelling, which would better follow DCLG advice in respect of delegated powers on the proximity of polytunnels, and that the seventy-five metres would remain a viable piece of land for accepted agricultural use and be a truly useful tranquil buffer zone.

The Team Leader Local Planning advised that the SPD was aimed at assisting all those involved about the requirements and issues to be addressed in any polytunnel development through:

- helping to clarify the forms of development that would require planning permission;
- setting out the planning issues associated with the erection of polytunnels;
- setting out the UDP policies that will need to be addressed;
- make clear the additional information that would need to accompany an

application; and

- set out the Council's pre-application planning guidance.

The draft SPD had prompted many and varied comments from parish councils, residents groups, growers, statutory bodies, support groups, environmental groups, researchers and the local public. Many comments had been made with specific reference and knowledge of current local situations. All the proposed changes were shown in the final version of the SPD at Appendix 1 in the report. All written comments received had been summarised along with a Council's response in Appendix 2. The summary would be included in a full Consultation Statement to be published with the adopted SPD and an accompanying Sustainability Appraisal.

The main changes proposed were:

- redraft Section 2 – Planning Context, to simplify advise and interpretation of when development requires planning permission;
- update to use latest Defra statistics on soft fruit production;
- firm up requirements for applications to consider all/associated development of a polytunnel proposal (whole farm plans);
- redraft section on surface water/water quality/pollution prevention to encourage sustainable drainage systems;
- provide further clarification on table top growing;
- clarify the protection to be afforded to AONBs;
- clarify guidance related to noise and buffer zones; and
- re-order guidelines

The Committee discussed the various aspects of the document and noted the extensive number of comments that had been received. The Head of Planning and Transportation pointed out that in was an extensive and innovative area of work which was already being referred to by the planning inspectorate and would be used by other local authorities. The Chairman thanked the officers for their hard work in preparing such a comprehensive document.

RESOLVED THAT:

the Cabinet Member (Environment and Strategic Housing) be requested to agree the changes to the draft Polytunnels SPD as identified in the report and to the document being adopted as part of the Council's Local Development Framework.

64. DEVELOPMENT CONTROL: HALF ANNUAL REPORT FOR 2008/09

The Committee noted the report of the Head of Planning and Transportation about the Councils Development Control performance in the first six months of 2008/09 and thanked the Officers for their achievements.

65. DCNW2008/1807/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE (TEMPORARY) OF LAND FROM AGRICULTURAL TO A ONE FAMILY TRAVELLERS SITE INCLUDING THE STATIONING OF ONE CARAVAN AND ANCILLARY STRUCTURE AT LOWER FIELD, ASH FARM, BARNET LANE, WIGMORE, HEREFORDSHIRE, HR6 9UJ

The Central Team Leader presented the report of the Head of Planning and Transportation. He said that at its meeting on 24th September, 2008, the Northern Area Planning Sub Committee was mindful to refuse the application contrary to Council policy and officer advice. He reported the receipt of a letter from the applicant's agent which stated that no other person was living on the site, except for occasional visitors, and the applicant had given assurances that a "party" which had been held there in August would not be repeated. The agent also referred to similar cases elsewhere in the country where "gypsy" status could be deemed to be a special circumstance when making a planning decision. He also reported that a letter (e-mail) of objection had been received from J Fieldhouse, Pear Tree Farm. The grounds were that it would cause a nuisance (reference is made to a "rave" held in the summer to which many people were attracted and which caused noise disturbance), the site was unsanitary and unsightly and there was concern that more people would move onto it to the detriment of the village. The Central Team Leader outlined the planning issues regarding the application and the need for such pitches within the County, at present there was a shortfall of some eighty-three pitches. He drew Members' attention to a previous enforcement appeal for an adjoining site which had been allowed. He said that whilst the Committee should consider the application on its merits, the appeal was a material consideration.

In accordance with the criteria for public speaking, Mr Bailey spoke in objection to the application and Mr Baines, the applicant's agent, spoke in support.

Councillor LO Barnett, the Local Ward member, said that the application would have been rejected if it had been for a house and she questioned the validity of a policy which allowed the siting of caravans in the open countryside. She was of the view that there was a need for such pitches within the County but felt that the application site was in the wrong location and that it would have a detrimental effect upon the village and surrounding countryside. She felt that such an application would be perfectly acceptable in the right location and pointed out successful sites which had been approved in Pencombe and in Aymestrey. She added that the site in question benefited from one of the best views in Wigmore and that a more suitable location needed to be found.

The Chairman drew attention to paragraphs 6.2 and 6.7 of the report which clearly set out that the application fulfilled all the planning policy and legal requirements for approval. Councillor KG Grumbley was of the view however that the Inspector had granted the original application as an exception to policy and that a stand could now be taken by refusing this application because of the adverse impact it would have on the local community and setting. The Central Team Leader reiterated that in the absence of any suitable alternative sites, it would be difficult to defend a refusal given the planning policy issues involved and the previous approach of the Inspector.

The Committee considered all the aspects of the application and the implications of the Councils planning policies regarding such sites. Whilst noting the views of the Officers and the Inspector, it was felt that there were several issues involved with the application which could successfully support it being refused. The Committee adjourned at 12:00 pm for the grounds for refusal to be prepared. On reconvening at 12:10 pm the Committee wished to discuss certain issues regarding enforcement and it was therefore resolved that the press and public should be excluded from the meeting for the duration of those discussions. At the conclusion of those discussions the press and public were readmitted to the meeting

RESOLVED THAT:

the application be refused for the following reasons:

- (i) **having regard to Herefordshire Unitary Development Plan Policies H7 and H12 the proposal is considered to be unacceptable. The Local Planning Authority does not consider that the proposal is located within a reasonable distance of local services and facilities and does not constitute a small site.**
- (ii) **in the absence of appropriate foul drainage arrangements or water supply, the proposed development is considered to be contrary to Policies DR4 and CF2 of Herefordshire Unitary Development Plan**

66. DCCE2008/2464/L - INTERNAL REPAIRS AND IMPROVEMENTS TO A LISTED BUILDING. CASTLE CLIFFE, 14-16 QUAY STREET, HEREFORD, HEREFORDSHIRE, HR1 2NH

The Central Team Leader presented the application and said that Listed Building Consent was sought for minor external and internal alterations to the property as follows:

1. repositioning of existing foul drainage pipes on the northern elevation.
Lower Ground Floor;
2. use of the lower ground floor as a kitchen including installation of new floor to the utility and installation of gas fired stove.
Ground Floor;
3. removal of existing modern partitioning and kitchen units within the current kitchen to create an open lounge, installation of wood burning stove and removal of modern door to provide an access to lower ground floor.
First Floor; and
4. removal of existing bathroom from bedroom 2 and creation of new bathroom within
bedroom 1.

He said that further information and an amended plan had been received from the applicants. The amendment sought to retain the ground floor partitioning in the landing area and details of the proposed cowls, flue lining and stove details were also provided. He also said that Hereford City Council had no objection to the proposals and was of the view that the additional information and the amendment were considered to be acceptable. He advised that the consultation period had expired and the application could now be determined.

RESOLVED THAT:

Listed Building Consent be granted subject to the following conditions and any further conditions considered to be necessary by the officers.

1 D01 (Time limit for commencement (Listed Building Consent))

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2 D06 (External finish of flues/cowls)

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

3 D11 (Repairs to match existing)

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of safeguarding the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 of Herefordshire Unitary Development Plan.

INFORMATIVES:

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

2 N19 - Avoidance of doubt - Approved Plans

67. DATES OF FORTHCOMING MEETINGS

09/01/09; 20/02/09 and 03/04/09.

The meeting ended at 12.30 p.m.

CHAIRMAN