

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 15 May 2009 at 10.00 am**

**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, G Lucas, RI Matthews, PM Morgan, JE Pemberton, WJ Walling, PJ Watts and JD Woodward

**In attendance:** Councillors J Stone (ex-officio)

**116. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor AP Taylor.

**117. NAMED SUBSTITUTES (IF ANY)**

There were no named substitutes present at the meeting.

**118. DECLARATIONS OF INTEREST**

Councillor PM Morgan declared a prejudicial interest in Agenda item No. 12 DCNW2009/0093/F - proposed agricultural storage building and kennels at Brilley Wood, Brilley, Whitney-on-Wye and left the meeting for the duration of the meeting.

Councillor DW Greenow declared a personal interest in Agenda item No. 12 DCNW2009/0093/F - proposed agricultural storage building and kennels at Brilley Wood, Brilley, Whitney-on-Wye.

**119. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 3rd April, 2009 be approved as a correct record and signed by the Chairman

**120. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded the Committee about the site inspections in respect of applications for the proposed livestock market site near Credenhill and proposed alterations to The Grange, Leominster, which were due to take place on 19th May.

**121. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 11th March, 2009 be received and noted.

**122. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 4th March, 2009 be received and noted.

**123. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 18th February and 18th March, 2009 be received and noted.

**124. HEREFORDSHIRE SHOP FRONT DESIGN GUIDE**

Team Leader (Building Conservation) presented a report about a draft Shop Front Design Guide which was previously recommended to the Cabinet Member for consultation with relevant parties. He said that the previous guides for Hereford City and South Herefordshire had been amalgamated and enhanced to provide guidance which would apply throughout the County. He explained the main features of the 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 outlined the consultation process which had been undertaken with parish and town councils, statutory bodies, and a range of local groups and organisations including amenity societies, business organisations, disability groups and agents. In addition to asking for general comments, a number of specific questions had been included upon which the views of respondents could be expressed. A summary of the comments received and the officers' responses were set out in Appendix 1 to his report. Although only twelve responses were received they were all positive in terms of approving the principle of the document and had made positive suggestions. In particular, changes had been suggested in relation to accessibility and these had been incorporated within the document and the general concerns had been addressed. He suggested that the Committee agree to the amendments to the document and commended its adoption by the Cabinet Member.

The Committee asked questions about the way in which the guidance would be applied to the market towns and in particular the control of shop front signs. The Team Leader (Building Conservation) said that there were controls available to the Council in respect of listed buildings but that this was an issue to be brought into the appraisals. Other powers that were available to the Council in addition to the guidance, including Article 4 Directions and the removal of Permitted Development Rights. These powers also extended to the colour schemes used on frontages. The Committee was also concerned that in many town centres shops and their frontages were attractive but that the floors above were used as storage areas and often cluttered or scruffy and semi-derelict. Members enquired what controls might be available in this respect. The said that the Council could seek to ensure that such upper floors were brought into occupation but that there were no significant powers available to require this.

**RESOLVED**

- THAT (i) it be recommended to the Cabinet Member (Environment and Strategic Housing) that the amendments proposed to the Herefordshire Shop Front design Guide set out in the report of the Head of Planning Services be agreed and formally adopted as planning guidance; and**
- (ii) wherever possible, the officers take steps to ensure that the upper floors of shops are brought into occupation.**

**125. CONSERVATION AREA APPRAISAL FOR LEOMINSTER CENTRAL CONSERVATION AREA**

A report was presented by the Team Leader (Building Conservation) setting out proposals to be recommended to the Cabinet Member (Environment and Strategic Housing) for the draft Conservation Area Appraisal for Leominster Central Conservation Area to be published for consultation with relevant parties. He said that at the meeting on 21st April 2006 the Committee had recommended a programme for the preparation of character appraisals and management proposals for 16 conservation areas. Of these fourteen draft appraisals had been approved for consultation and that Hereford City centre was currently being surveyed. The appraisal for Leominster Town Centre was comprised of a factual assessment of the special architectural and historic character and appearance of the Conservation Area, together with its setting. The form and content of all the appraisals followed guidance recommended by English Heritage and was endorsed by the Government. He proposed that only those areas which had special architectural or historic interest and which Council wished to preserve or enhance should be designated as a conservation area. The appraisal had identified minor areas for exclusion and inclusion and the Criteria forming the basis for determining these was set out in the Herefordshire Unitary Development Plan under policy HBA5. The implications arising from designation were that the Council was required by Statute to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area when determining planning applications. Applications had to be advertised and the Council must take account of comments received. Conservation area consent for the demolition of buildings was required and additional planning controls would apply. These primarily relate to the size of freestanding buildings that require planning permission, the size and position of extensions, the type of external cladding, insertion of dormer windows and satellite dishes. Proposed works to trees required prior notice to the Council so that it could consider whether the trees merited a Tree Preservation Order.

He provided the Committee with details about the proposals which were set out in the report and explained the consultation process. He said that it was intended that some initial consultation would be undertaken although formal comments will be sought at a later stage when management proposals had been developed. The final document for adoption would be prepared for Council approval, having regard to the material comments which would be taken into account. The issues identified for the conservation areas fell into three categories:

- features such as non-listed buildings that significantly contribute to the area because of their local architectural or historic interest;
- features which detract from the special interest of the area such as
  - i. historic buildings in poor condition building.
  - ii. inappropriate alterations to historic buildings such as modern windows.
  - iii. modern buildings that do not relate to the character of the area.
  - iv. open gaps where street enclosure is desirable.
  - v. untidy land.
  - vi. street clutter and signage; and
- changes to the conservation area boundaries
  - i. to include areas that are considered to contribute to the special historic or architectural character of the area
  - ii. rationalisation of boundaries so that they relate to defined edges of property curtilages, field boundaries, roads and lanes or other notable features.

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  - ii. inappropriate alterations to historic buildings such as modern windows.
  - iii. modern buildings that do not relate to the character of the area.
  - iv. open gaps where street enclosure is desirable.
  - v. untidy land.
  - vi. street clutter and signage.

The Team Leader (Building Conservation) said that Leominster Conservation Area was designated in 1969. The town dated back to at least the 7<sup>th</sup> century when a religious building was in place; in the 12<sup>th</sup> century King Henry 1 had established the Benedictine Priory and by the 15<sup>th</sup> Century, the medieval borough had a thriving market and a number of guilds, and the Priory was the centre of extensive manorial estates. Following the dissolution of the monasteries by King Henry VIII, most of the monastery buildings and part of the Priory Church were demolished. During the 18<sup>th</sup> Century, many timber-framed structures were replaced (or refronted) by brick-built Georgian townhouses with Classical front elevations. Elegant examples can be seen throughout the conservation area, particularly in Broad Street, Church Street, Etnam Street and South Street. Moreover, many of these houses conceal earlier timber-frames. Shopfronts of 19<sup>th</sup> and early 20<sup>th</sup> Century date, with classically inspired architectural details, were inserted into earlier buildings and could be seen throughout the Conservation Area. Today, the character of Leominster Town Centre Conservation Area was that of an historic market town with well-preserved medieval, Georgian and Victorian elements. The adjacent open green spaces of the Priory precinct complemented the narrow streets and lanes, and wide thoroughfares of the historic town. Heritage assets within the Conservation Area include two Scheduled Monuments, one Grade I Listed Building, four Grade II, and 159 Grade II Listed Buildings. Twelve additional buildings of local interest had been identified during the appraisal. Thirty-nine selected sites on the Herefordshire Sites and Monuments Record are also listed in Leominster and the following six character areas have been defined for the Conservation Area:

- the Priory Precinct;
- the Central Core;
- Broad Street/Church Street;
- Etnam Street;
- South Street/West Street; and
- West Central Area

An analysis of each describing the particular characteristics was set out in the appraisal.

Positive areas and features considered to be of particular importance to the town include:

- the plan form of the medieval borough (including burgage and tenement plots) and the priory precinct;
- the narrow streets and lanes of the central core;
- the environs of the Priory Church;
- the site of the Benedictine monastery and the earlier Saxon occupation;
- Grange Court and the open space of The Grange with boundary features of walls and earthworks;
- the architectural heritage of the central core that ranges from medieval to Victorian;
- the 15<sup>th</sup> and 16<sup>th</sup> Century townscapes of Corn Square (south side)/School Lane, and Etnam Street; and

- the Georgian townscapes of Broad Street, Church Street, Etnam Street and South Street.

The Committee discussed the details of the proposals and asked questions about how the historic layout of the town could be preserved and all trees within the Conservation Area protected. The Committee agreed with the results of the investigations and the proposals put forward for the proposed new Conservation Area boundary and those areas/properties that would be included or excluded.

#### **RESOLVED THAT**

**it be recommended to the Cabinet Member (Environment and Strategic Housing) that the appraisal for Leominster Central Conservation Area be approved and that consultation be undertaken with interested parties.**

#### **126. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN: SAVED POLICIES**

The Planning Obligations Manager presented a report about a suggested approach to the Secretary of State to save certain policies of the Herefordshire Unitary Development Plan (UDP). She explained that if this course of action was not followed, the UDP would effectively expire in March 2010, and would no longer form part of the Statutory Development Plan. This would mean that planning applications would have to be determined on the basis of national guidance and policies within the Regional Spatial Strategy, unless material considerations indicated otherwise, and that the Council's Supplementary Planning Guidance/Documents would no longer form part of the Local Development Framework. She explained that the UDP was therefore still a very important planning policy framework. She referred to the details about the policies that were recommended for retention as set out in the report and said that if recommended for approval the next stage would be to submit them to Cabinet in June, Council in July and Government Office for the West Midlands in September. Once saved, the policies would be in effect until the Local Development Framework (LDF) took effect.

In answer to a question about village and hamlet boundaries and consultation, the Planning Policy Manager said that the existing policies would be retained until replaced by future ones to be determined by Members and that consultation was not therefore necessary at this stage. Councillor GFM Dawe felt that there were many good policies but that it was not always possible to implement them. For example it was difficult to reconcile P80 on public travel with a reduction in bus services. The Planning Policy Manager said that there were numerous and complex transportation issues and that these would be consulted on at length during the LDF process. Councillor P Watts enquired about the Supplementary Planning Guidance (SPG) in respect of polytunnels and the Planning Policy Manager said that this would also need to be included within the list of saved policies. The Committee approved the proposals set out in the report with the addition of the polytunnels SPG.

#### **RESOLVED THAT:**

**it be recommended to Cabinet that:**

- (i) the Secretary of State be requested to consider the reasoned justification set out in the report of the Head of Planning and Transportation and asked to make a 'direction' that the requested policies, including the Supplementary Planning Guidance (SPG) in respect of polytunnels, are saved until their replacement by relevant Local Development Documents of the Herefordshire Development Framework; and**

- (ii) **the Council further requests that continued use of other identified elements of the former planning system be endorsed, including Proposals Maps and Supplementary Planning Guidance/Documents.**

**127. DCNW2009/0093/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND KENNELS AT BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE**

The Chairman said that since the preparation of the report there had been a considerable amount of information sent to Members about the application from interested parties. He therefore suggested that consideration of the application be deferred for a site inspection to view the application site and to become familiar with the surrounding area. He also proposed that existing kennels should be visited so that the Committee could note its impact on the locality. The Committee agreed with this proposal.

**RESOLVED:**

**That consideration of planning application DCNW2009/0093/F be deferred for a site inspection.**

**128. DCNW2009/0275/F - PROPOSED NEW SCHOOL, PRE-SCHOOL, ASSOCIATED WORKS AND LANDSCAPING ON LAND TO THE SOUTH OF RYE GRASS COTTAGE, STAUNTON-ON-WYE, HEREFORDSHIRE, HR4 7LT**

The Principal Planning Officer presented a report about an application for a new school which would be located on the south-western fringe of Staunton-on-Wye. He advised that an additional letter had been received from Mr. Paul Stephenson, Vine House, Staunton on Wye. The letter reiterated concerns raised previously by Mr Stephenson about the highway situation in Staunton on Wye and the impact on the surrounding area of additional traffic arising from the proposed school. The letter stated that Mr Stephenson was in favour of the new school, but was concerned that the application had no proper traffic survey to accompany it. The Principal Planning Officer advised that the applicants had relied on a traffic survey carried out by Halcrow traffic consultants for a previous application for a school on site in 2004. The Council's Transportation Manager had raised no concerns with regards to this, and raised no objections to the application. Appropriate conditions were in place in the report to cover all the concerns which had been raised and he did feel that any changes to the recommendation were therefore necessary.

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

**RESOLVED**

**That planning permission be granted subject to the following conditions:**

- 1. A01 (Time limit for commencement (full permission) )**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. B01 (Development in accordance with the approved plans )**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire**

**Unitary Development Plan.**

**3. C01 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

**4. F01 (Restriction on hours of working )**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**5. G02 (Retention of trees and hedgerows )**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.**

**6. Prior to any development on site details will be submitted and approved in writing by the Local Planning Authority of planting numbers, sizes or species to be planted and fencing colour and specifications.**

**Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.**

**7. G11 (Landscaping scheme - implementation )**

**Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

**8. I32 (Details of floodlighting/external lighting )**

**Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.**

**9. H13 (Access, turning area and parking )**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

**10. H21 (Wheel washing )**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**11. H30 (Travel plans )**

**Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**12. Prior to any development on site details will be submitted and approved in writing to the Local Planning Authority, with regards to the public footpath surface alongside the entrance to the application site known as Coffin Lane (a pedestrian**

route to the school).

**Reason:** In the interests of the amenity of footpath users and amenity of surrounding dwellings and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

13. The recommendation as set out in Section 3 of the Ecologist Report dated 13th January 2009 shall be followed unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interest of the biodiversity of the surrounding area and to comply with Policies NC8 and NC9 of the Herefordshire Unitary Development Plan.

**Informatives:**

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 - Avoidance of doubt – Approved Plans
3. HN01 - Mud on highway
4. HN04 - Private apparatus within highway
5. HN05 - Works within the highway
6. HN10 - No drainage to discharge to highway
7. HN22 - Works adjoining highway
8. HN26 - Travel Plans
9. HN28 - Highways Design Guide and Specification

**129. DATE OF FORTHCOMING MEETING**

3 July, 2009.

The meeting ended at 11.40 am

**CHAIRMAN**