

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 14th December, 2007 at 10.00 a.m.**

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

**Councillors:** PA Andrews, PGH Cutter, DW Greenow, JW Hope MBE, B Hunt, G Lucas, R Mills, PM Morgan, JE Pemberton, GA Powell, DC Taylor, WJ Walling, PJ Watts and JD Woodward

**In attendance:** Councillors H Bramer, GFM Dawe, MJ Fishley, JHR Goodwin and J Stone (ex-officio)

**54. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors ACR Chappell, H Davies, RI Matthews and AP Taylor.

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

The following named substitutes were appointed:-

<b>MEMBER</b>	<b>SUBSTITUTE</b>
G Powell	RI Matthews
AP Taylor	Mr PA Andrews

**56. DECLARATIONS OF INTEREST**

Councillor	Item	Interest
JE Pemberton	Agenda item 11, Minute No. 64 <b>DCNC2007/2869/F - proposed 4 new houses on land adjacent to 44 Vicarage Street, Leominster</b>	Declared a prejudicial interest and and left the meeting for the duration of the item
RV Stockton & PJ Watts	Agenda Item 13, Minute No. 66 <b>DCNC2007/3280/F - retrospective application for the erection of 3m high fence around nw boundary, Bromyard Leisure Centre</b>	Declared a prejudicial interest and and left the meeting for the duration of the item

**57. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 28th September, 2007 be approved as a correct record and signed by the Chairman

**58. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman said that he would send a card on behalf of the Committee to Councillor RI Matthews and Mr P Yates wishing them a speedy recovery.

**Planning Obligations Supplementary Planning Document**

Cabinet considered this document on 13th December. It was resolved that the item be deferred in order to give Planning Committee an opportunity to debate and feedback views.

**Annual Monitoring Report and Local Development Scheme**

These documents were reported to Cabinet on 13th December and agreed. The Annual Monitoring Report provides progress in achieving the Council's planning policies. The Local Development Scheme sets out a three-year programme for the preparation of documents in the Local Development Framework. To meet statutory requirements for maintaining this rolling programme, and for submission of the Annual Monitoring report by the end of the year, the documents would be forwarded to Government Office for consideration.

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

**RESOLVED:** That the report of the meeting held on 17th October and 14th November, 2007 be received and noted.

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

**RESOLVED:** That the report of the meetings held on 26th September, 2007, 24th October, 2007 and 21st November, 2007 be received and noted.

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

**RESOLVED:** That the report of the meetings held on 10th October, 7th November, 2007 and 5th December, 2007 be received and noted.

**62. LOCAL GOVERNMENT OMBUDSMAN REPORT - COMPLAINT NO: 06/B/14891  
- PUDDLESTON, LEOMINSTER**

The Head of Legal and Democratic Services presented a report about an investigation by the Local Government Ombudsman following a complaint he had received regarding the granting of permission by the Planning Committee on 20th January 2006 for application DCNC 2005/3689/0 for a smithy and stables at Pudleston. He said that the Ombudsman had found that the Council was at fault in failing to give adequate reasons for granting the application against officer advice and against significant local and national planning policies. Although the Ombudsman accepted that Committee was entitled to depart from officers advice, it needed to have good reasons to do so, based on clear and legitimate planning grounds. In this case the Ombudsman had found that the Committee had failed to provide such a justification for the decision and that there was maladministration which had caused injustice to the complainant.

The Ombudsman had recommended that the Council:

- (i) commissions independent valuations of the property affected both before and after the development;
- (ii) pays to the complainant the difference between the valuations, if any;

- (iii) pays to the complainant a further £250.00 in recognition of the time and trouble spent pursuing the complaint; and
- (iv) produces a good practice guide for Members of the Planning Committee on dealing with all aspects of the decision-making process, arranging appropriate training for all Members once it is introduced

Councillor B Hunt was disappointed at the report, feeling that the decision had been taken after carefully considering all the factors involved. He suggested that the Ombudsman's decision should be noted but that no further action should be taken, other than that outlined by the Head of Legal and Democratic Services about an advisory handbook for Members. The Head of Legal and Democratic Services said that advice obtained from Counsel was to accept the recommendations because it was unlikely that the Council could win a challenge in the High Courts. Councillor WJ Walling suggested that the Ombudsman should be informed that the Committee had only taken the decision after carefully and objectively weighing up all the information.

### **RESOLVED**

**That the Head of Legal and Democratic Services be instructed to convey the views of the Committee to the Ombudsman about his findings.**

#### **63. DEVELOPMENT CONTROL: HALF ANNUAL REPORT**

The Committee noted the report of the Head of Planning Services about the Councils Development Control performance in the first six months of 2007/08 and thanked the Officers for their achievements.

#### **64. DCNC2007/2869/F - PROPOSED 4 NEW HOUSES ON LAND ADJACENT TO 44 VICARAGE STREET, LEOMINSTER, HEREFORDSHIRE**

The Northern Team leader said that the Northern Area Planning Sub-Committee was mindful to refuse planning permission contrary to recommendation. The Sub-Committee was of the view that the proposals for the site would constitute overdevelopment and the Head of Planning Services had decided to refer the matter to the Planning Committee for consideration. He presented the following updates:-

##### **ADDITIONAL REPRESENTATION**

There has been ongoing correspondence with Mr Hewitt of 64 Osborne Place, he raises a number of questions about contact with the Environment Agency, Natural England and the adequacy of condition 16 to deal with surface water drainage and water logging of the site and adjacent public footpath.

It is also understood that he has made a formal complaint to the Council in this regard.

Reference has also been made to some residents locally being advised that they could not get insurance due to their location within the flood plain.

He also asked upon what basis could it be claimed that 'the fact remains that the site was not flooded as a result of recent heavy rainfall' in para 6.4 of the original report to the northern area planning sub committee and also in the current report.

##### **OFFICER COMMENTS**

To respond to last comment first, the comment was made on the basis that we had not been informed by objectors that the site had flooded. It was agreed that in order that there was no misunderstanding that sentence would be amended to read 'there is no evidence that the site flooded as a result of the recent heavy rainfall'. Unfortunately the report was not so amended and I apologise

for that oversight.

Officers have spoken to the Environment Agency on a number of occasions and they are aware of the objections received. There comments appear in the body of the report and it will be noted that they recommend a condition requiring floor levels to be 600mm above the 1% floodplain plus climate change (20%) flood level of 71.59 AOD, this is condition 7 of your report.

Natural England's response in the main body of the report.

The policy of Insurance Companies to insure or otherwise is not a matter for the LPA.

If the application is permitted condition 16 requires details of the drainage to be submitted to and approved in writing by the LPA before development commences. This is not an unusual requirement and details will be checked with the necessary experts in this field before accepted as suitable.

In accordance with the criteria for public speaking, Mrs Thwaites of Leominster Town Council and Mr Hewitt an objector, spoke against the application.

Councillor Brig P Jones, a Local Ward Member, shared the concerns of the objectors about the potential flooding issues, notwithstanding the views of the Environment Agency that the site had a 1 in 1000-year probability of flooding. He was also concerned at the impact of the proposal on a valuable area of open space and wildlife and that there would be an overall adverse effect on the environment and setting. He also had reservations about the safety of pedestrians on a well-used thoroughfare because vehicular access would be over a public footpath with no provision for a separate footpath in the access road.

The Committee discussed the merits of the application and shared some of the concerns which had been raised by the objectors. The Northern Team Leader explained that the concerns could be met by appropriate conditions and informatives and that the application was in accordance with the Council's planning policies. A proposal that a site inspection should be held was not supported but it was felt that there was merit in deferring consideration of the application for further information about the proposed method of vehicular access to the site and its likely impact on the public footpath.

## **RESOLVED**

**That consideration of the application be deferred for further information about the vehicular access proposals.**

**65. DCNW2007/2653/F - PROPOSED ERECTION OF 6 DWELLING UNITS AND ANCILLARY GARAGES AND FORMATION OF NEW VEHICULAR ACCESS AT LAND ADJACENT TO METHODIST CHAPEL, HEREFORD ROAD, WEOBLEY, HEREFORDSHIRE**

The Northern Team Leader presented the report of the Head of Planning Services and said that the Northern Area Planning Sub-Committee was mindful to approve planning permission contrary to recommendation, on the basis that the scheme was acceptable on highways and design grounds. He also reported on the contents of late correspondence which had been received in support of the application.

In accordance with the criteria for public speaking, Mrs Parsons of Weobley Parish Council and Ms Jones, the agent acting on behalf of the applicants, spoke in favour of the application.

Councillor JHR Goodwin the Local Ward Member said that there was considerable local support for the scheme. He felt that although the proposal did not meet the requirements for affordable housing, there were a number of key factors that needed to be taken into consideration which could meet the requirements of planning policies DR1, H5 and HBA6. Following the rejection of the original application because its access was through Chapel Orchard, the applicants had gone to considerable lengths to prepare a scheme in keeping with the area and its setting opposite an ancient monument. He felt that the scheme would incorporate a welcome amount of open space and that the design of the houses and garages was in keeping with the historic village. The proposed access road was directly off the highway and thereby overcame the problem of a route through Chapel Orchard. The proposed dwellings would be comprised of one two-bed; one three-bed and four four-bed properties and reflected the character, appearance, mix and range of properties elsewhere in the village. He said that the village already had a good provision of affordable housing on other sites and questioned the need for more at this location.

The Northern Team Leader reiterated why the proposal did not fulfil the Council's planning policies and said that the scheme needed to be comprised of twelve dwellings which included four affordable ones. He reminded the Committee such provision had been allocated in the Herefordshire Unitary Development Plan for the land. This had been found to be acceptable in the Public Local Inquiry into the Unitary Development Plan, and the low density of the proposed scheme of 15 dwellings per hectare was in direct conflict with it. The application had also failed to take account the results of the housing needs survey of February 2007 which had identified a need for another 11 affordable houses to serve Weobley. The applicants had not provided any evidence to contradict this and had also failed to demonstrate why a scheme for twelve houses could not be achieved with access directly off Hereford Road. The Strategic Housing Manager expressed concern that the scheme did not make any provision for affordable housing and strongly objected to the application. The Head of planning services advised that the Committee needed to balance all the issues but also be mindful of the crucial planning policies which were at stake.

The Committee discussed the details of the application and considered all the views that had been put forward in support of it and against it. It was felt that there was a need for further information to be provided about the application and that the matter should be deferred.

#### **RESOLVED**

**That consideration of the application be deferred for further information about the need for affordable housing.**

**66. DCNC2007/3280/F - RETROSPECTIVE APPLICATION FOR THE ERECTION OF 3M HIGH FENCE AROUND NW BOUNDARY, BROMYARD LEISURE CENTRE, CRUXWELL STREET, BROMYARD, HEREFORDSHIRE, HR7 4EB**

The Northern Team Leader presented a report about an application in respect of Council property at Bromyard. The application was from Halo Leisure for the retention of a 3 metre high fence which had been erected along part of the north-west boundary of the site to give greater security by preventing unauthorised persons from climbing onto the roof of the Leisure Centre.

#### **RESOLVED**

**That planning permission be granted.**

**Informative(s):**

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

**2 - N03 - Adjoining property rights**

**3 - The applicant/owners should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt, the applicants/owners should seek legal advice on the matter.**

**4 - N14 - Party Wall Act 1996**

**5 - N19 - Avoidance of doubt**

**67. DCCW2007/2057/F - VARIATION OF CONDITION 2 OF PLANNING CONSENT DCCW2006/3153/F TO ALLOW SALE OF THE PROPERTY (IF NECESSARY) TO ANOTHER TRAVELLING FAMILY AT THE BIRCHES STABLES, BURGHILL, HEREFORD, HEREFORDSHIRE, HR4 7RU**

The Central Team Leader said that the application had been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse planning permission contrary to recommendation. The Sub-Committee had given weight to the original permission in 1992 which was personal to the applicant at the time and once that family had vacated the site, it should revert to agricultural use. The Sub-Committee was opposed to a widening of the permission to allow any traveller family to occupy the site and had taken the view that if the applicants no longer required the site, it should revert to agricultural use. He advised that there had been no further enforcement activity on the site pending the outcome of the application. Concerns had been raised locally in respect of the possible sale of the site to a third party but these had not been substantiated and no evidence of any unauthorised occupation of the site had been established following further visits to it by the Officers.

In accordance with the criteria for public speaking, Mrs Reynolds spoke in objection on behalf of Burghill Parish Council, and Mr Baines spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, said that there was merit in the Parish Council's view that the consent should be personal to the applicants and that the land should return to agricultural use when it was vacated. There were considerable local concerns that the conditions attached to the existing permission had not been adhered to by the applicants. She felt that the Council had fulfilled its obligations regarding provision for travellers with the previous permissions and that the applicants in turn needed to fulfil their obligations regarding the conditions.

The Head of Planning Services said that the application was in compliance with Gypsies and other Travellers Policy H12 as it lay adjacent to the settlement boundary of a main village. He added that the proposal for two families was regarded as modest in scale; the site was well screened and there were adequate levels of amenity and play space for children. He felt that it would be unreasonable to retain a condition restricting the use of the site to a specific gypsy family because it was considered to be acceptable for any gypsy family subject to confirmation of their status.

The Committee discussed the details of the application and noted the points that had been raised about it, and its relation to Council and Government policies in respect of travellers. It was generally concluded however that the applicants should comply with the existing conditions.

**RESOLVED**

**That the application to vary condition No.2 regarding the planning permission be refused.**

**68. CCE2007/2467/RM AND [B] DCCE2007/2469/F - LAND AT VENNS LANE, ROYAL NATIONAL COLLEGE FOR THE BLIND, COLLEGE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1EB**

The Principal Planning Officer said that the applications had been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse them on the grounds of the intensity of the development, the impact on residential amenity and the impact on the character of the area. He presented the following updates to the Committee:-

**ADDITIONAL REPRESENTATIONS**

A further four letters of comment/objection in response to the second set of amended plans received from residents of 3, 4, 19 and 23 Loder Drive. They largely re-iterate comments already made regarding the impact of increased traffic during construction and once the houses are occupied and college facilities in use, that plot 16 is still too close to properties within Loder Drive and plot 21 and its garden creates a pinch point in the wildlife corridor

The letters also generally appreciate that further steps have been taken to address their concerns and recommend that further landscaping would help the sustainability of the wildlife corridor, the scale of the dwelling on plot 21 reduced by lowering the levels, the distance increased further between plot 16 and Loder Drive.

The City Council response to the amended plans is 'no further comment'.

A further letter has been received from the Blind College stating that they are prepared to change the design of the dwelling on plot 16 to a one and half storey property with a total ridge height of 6.5 metres (current scheme is 8.3 metres) and no windows at first floor overlooking the properties within Loder Drive. Also, the boundary treatments are now to be a post and rail fence with a densely planted Hawthorn/Blackthorn hedge as opposed to weld mesh fencing.

**OFFICER COMMENTS**

The further revisions proposed will reduce the mass of the dwelling on plot 16 minimising the impact of this dwelling on residents of Loder Drive. No further changes are considered necessary in terms of the proximity, design and scale of the properties along the Loder Drive boundary.

**NO CHANGE TO RECOMMENDATION**

The consultation period on the amended plans has now expired but delegated authority is still requested to resolve the design of the dwelling on plot 16 and other minor design and layout changes.

The Principal Planning Officer explained the negotiations that had been undertaken with the applicants since the matter had been considered by the Sub-Committee and felt that a satisfactory scheme had been arrived at which met all the required criteria and overcame all the objections.

In accordance with the criteria for public speaking, Mr Adams spoke in support of the application. Mr. Rayner spoke on behalf of the local residents association and said that all their concerns had been resolved following further negotiations by the Officers, and he commended the proposals.

The Committee discussed the details of the application and expressed their appreciation for the hard work undertaken by the Officers in arriving at such a satisfactory outcome.

**RESOLVED THAT**

- 1. subject to no further objections raising new material planning considerations by the end of the consultation period on the amended plans and any other layout and design changes considered necessary by officers to address other matters raised in this report being satisfactorily addressed;**
- 2. 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 appended to this report and any additional matters and terms that he considers appropriate; and**
- 3. upon completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers be authorised to issue a Reserved Matters Approval and Planning Permission subject to the following conditions and any further conditions considered necessary by officers.**

**DCCE2007/2467/RM****INFORMATIVES:**

- 1 N02 - Section 106 Obligation**
- 2 N09 - Approval of Reserved Matters**
- 3 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 4 N19 - Avoidance of doubt**

**DCCE2007/2469/F**

- 1 A10 (Amendment to existing permission)**  
**Reason: For the avoidance of doubt.**
- 2 E09 (No conversion of garage to habitable accommodation )**



**Reason: To ensure adequate off street parking arrangements remain available at all times.**

**3 G40 (Bat/bird boxes )**

**Reason: In order not to disturb or deter the nesting or roosting of bats which are a species protected by the Wildlife and Countryside Act 1981.**

**4 The occupation of the dwellings on plots 13 and 14 identified on drawing number SL.01 Rev F shall be limited to students engaged in education at the Royal National College for the Blind unless otherwise agreed in writing by the Council.**

**Reason: In the interests of highway and pedestrian safety.**

**INFORMATIVES:**

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

**2 N19 - Avoidance of doubt**

**69. DCCE2007/3194/F - SITING OF WOODEN CABIN TO ACCOMMODATE NEEDS OF DISABLED PERSON. LAND ADJACENT 'OLD VICARAGE', PRESTON WYNNE, HEREFORD, HEREFORDSHIRE, HR1 3PE**

The Head of Planning Services presented his report and said that he had referred the application to the Committee because the Central Area Planning Sub-Committee was mindful to grant planning permission contrary to recommendation. The Sub-Committee had given weight to the personal circumstances of the applicant who needed a specially adapted house. The applicant had responded to previous refusals of permission by proposing a wooden structure which would be capable of being removed from the site when it was no longer required. The particular needs of the applicant were such that the Sub-Committee was satisfied that adaptation of her parents house would not be a practical way of providing independent accommodation. There was considerable local support for the applicant and the Sub-Committee was of the view that in this case the Unitary Development Plan was too restrictive and that an exception should be made.

In accordance with the criteria for public speaking, Mrs. Fletcher of Preston Wynne Parish Council and Miss Davies the applicant, spoke in support of the application.

Councillor DW Greenow, the Local Ward Member, commented on a number of issues, including: the individual needs and wish of the applicant to achieve independence yet remain within the local community; that the temporary nature of the wooden cabin should overcome previous concerns about a permanent structure in this location; he considered the design and scale of the proposed development to be acceptable; no objections had been received from local residents and there was significant support from the parish council and villagers; no objections had been received from statutory consultees, the Traffic Manager or the Public Rights of Way Manager; and the applicant's doctor supported the proposal. Given these considerations, he felt that the exceptional circumstances of the applicant were such that they should override the planning policy objections, particularly if planning permission was restricted to the lifetime of the applicant and a spouse or dependents.

The Head of Planning Services explained why the application did not comply with the Council's planning policies and outlined the factors which needed to be taken into consideration when weighing all the issues regarding the application.

Having considered all the facts regarding the application, the Committee felt that permission could be granted because there were exceptional circumstances involved.

**RESOLVED:**

**That the application be approved subject to any appropriate conditions felt to be necessary by the Head of Planning.**

**70. DCSE2007/2435/F - PROPOSED SINGLE STOREY LINK BETWEEN DWELLING AND DOUBLE GARAGE TO ACCOMMODATE GROUND FLOOR STUDY/BEDROOM AND EN-SUITE FACILITY AND FORM REAR EXTENSION, LAND ADJACENT TO THE OAKS, BANNUTT TREE LANE, BRIDSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6AJ**

The Southern Team Leader said that the application had been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to refuse it, contrary to recommendation. The Sub-Committee was of the view that the application was unacceptable because of the location of the dwelling in open countryside and that it was too large for the site.

Referring to the Schedule of Committee Updates/Additional Representations that was circulated at the meeting, the Southern Team Leader reported on the following:-

**ADDITIONAL REPRESENTATIONS**

An amended plan has been submitted. This shows a revision to the design of the rear extension, in that for its sloping roof the inset window for the first floor bedroom has been deleted. This work has been completed.

In a separate letter the agent expresses concern as to the delay in determination of the application for which their expectation was that, as the scheme was in accord with policy, permission would be granted

**OFFICER COMMENTS**

The amendment to the design results in only a relatively minor change to the appearance of the development. There is no material change to its size and no effect on the adjoining dwellings.

Having considered all the facts regarding the application, the Committee did not share the view of the Sub-Committee and felt that there were insufficient grounds to warrant a refusal.

**RESOLVED**

**That planning permission be granted subject to the following conditions and any additional conditions considered to be necessary by the 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. B02 (Matching external materials (extension) )**

**Reason: To ensure the external materials harmonise with the existing building.**

**Informative(s):**

- 1. N19 - Avoidance of doubt**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

**71. DCSE2007/2898/F - 3 DWELLINGS FOR RENT COMPRISING 2 NO. 2 BED & 1 NO. 3 BED HOUSES, ADJACENT TO NO. 4 MARTINS CLOSE, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4QS**

The Southern Team Leader said that the application had been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to refuse it, contrary to recommendation. The Sub-Committee was of the view that the application was unacceptable because there would be an unsatisfactory access, overlooking of adjoining properties and that the proposals would detract from the setting of the adjoining listed building. They also felt that there was no need for this type of development in Woolhope.

Having considered all the facts regarding the application, the Committee did not share the view of the Sub-Committee that it should be refused and decided that permission should be granted.

**RESOLVED THAT**

- 1. 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 to ensure:**

**The dwellings shall be retained available for rent in perpetuity for local people.**

- 2. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission 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 (Samples of external materials )**

**Reason: To ensure that the materials harmonise with the surroundings.**

**Informative(s):**

1. **N19 - Avoidance of doubt**
2. **N15 - Reason(s) for the Grant of Planning Permission**

**72. DCSW2007/2978/O - OUTLINE PLANNING APPLICATION FOR TWO DWELLINGS, BROOKVIEW, CLEHONGER, HEREFORD, HR2 9TJ**

A report was presented by the Southern Team Leader who said that the application had been referred to the Committee because the Southern Area Planning Sub-Committee was mindful to approve it, contrary to recommendation. The Sub-Committee was of the view that the application was acceptable because two new houses there would assist with delivering the Council's house building requirements. There were already four houses on this lane and the Sub-Committee considered that two more would not have any adverse effect on the area.

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

Councillor MJ Fishley, the Local Ward Member noted that the Parish Council did not object to the application. She felt that there was sufficient local need for the dwellings and advised members that there were already 4 existing dwellings on the lane. She felt that the application was not contrary to policy H7 or H10 of the Unitary Development Plan and that it should be supported. Although the application site was outside of the settlement boundary, she felt that there was sufficient housing need in the area for this to outweigh the policy issues at stake. She also said that the applicant had offered to use part of his garden to improve the issues surrounding the access onto the road.

Councillor DW Greenow was of the view that the UDP no longer represented the housing needs of the County and that it should be revised accordingly. He felt that the proposed application should be an exception and should be approved. The Chairman pointed out that the UDP had been in preparation from 1998 and had gone through a lengthy public consultation and public inquiry process. It was a very important document which set out the Council's planning policies and should be adhered to.

Councillor PGH Cutter felt that the application was for infill development and should therefore be permitted. He also felt that the provision of two modest dwellings would benefit the village of Clehonger.

The Southern Team Leader advised that the Unitary Development Plan clearly stated that housing should only be permitted within the settlement boundary. He felt that the application was clearly contrary to the policies set out in the UDP which had only been adopted by the Council in March, 2007. No survey of housing need had been undertaken to demonstrate a local need for affordable housing. There was no involvement of a Registered Social Landlord or other mechanism for the houses to be considered as affordable for the purposes of planning or housing policies. The proposal amounted to speculative housing development in open countryside with no justification on planning grounds. The Head of Planning Services confirmed these issues and said that the proposal would be harmful to the local landscape and setting and be unsustainable. He felt that there was a very clear breach of policies and that the application should be refused.

The Committee discussed the merits of the application and noted the planning policies involved. A proposal that the application should be approved was lost and it

was decided that the views of the Sub-Committee could not be supported because the application was such a significant breach of policy.

**RESOLVED**

**That planning permission be refused for the following reasons:**

- 1. The proposal would create two dwellings in the open countryside outside a designated village settlement, as defined in the Herefordshire Unitary Development Plan 2007 which seeks to restrict new residential development in the absence of any special justification in such areas. As such the development would be contrary to Planning Policy Statement 7 'Sustainable Development in Rural Areas' and Policies S1, S2, DR1, H7 and H10 of the Herefordshire Unitary Development Plan 2007.**
- 2. The site is in a relatively isolated location and would therefore likely to result in the increased need for travel by private car and as such is not a sustainable form of development thus being contrary to Government Guidance Planning Policy Guidance 13 'Transport' and Policies S6 and DR2 of the Herefordshire Unitary Development Plan 2007.**
- 3. Furthermore, the proposal would necessitate a significant amount of hedgerow to be removed at the entrance to the site and mature trees to the south-west boundary and as such would be detrimental to the visual amenities and character of this country lane thus being contrary to the Policies S1, S2, DR1, LA6 and LA6 of the Herefordshire Unitary Development Plan 2007.**

**73. DATES OF FUTURE MEETINGS**

18th January, 2008  
29th February, 2008  
11th April, 2008

The meeting ended at 2.50 p.m.

**CHAIRMAN**

