

## REPORT OF THE PLANNING COMMITTEE

### Meetings Held on 14 December 2007 and 18 January 2008

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#### Membership:

**Councillors:** TW Hunt (Chairman), RV Stockton (Vice-Chairman), ACR Chappell, PGH Cutter, Mrs H Davies, GFM Dawe, DW Greenow, JW Hope, B Hunt, G Lucas, RI Matthews, R Mills, Mrs PM Morgan, Mrs JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward.

#### REFERRED PLANNING APPLICATIONS

1. The following Planning Applications were determined by the Committee because (i) they relate to the Council's own development or to the development of land owned by the Council; (ii) they are applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees are mindful to approve/refuse them contrary to officer recommendations and Council's Policies; or (iii) they are applications by Members of the Council or their relatives.
  - (a) DCNC2007/2869/F - proposed 4 new houses on land adjacent to 44 Vicarage Street, Leominster – refused contrary to recommendation;
  - (b) 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 – refused as recommended;
  - (c) DCNC2007/3280/F - retrospective application for the erection of 3m high fence around nw boundary, Bromyard Leisure Centre, Cruxwell Street, Bromyard, – approved as recommended;
  - (d) DCNE2007/3731/F - conversion of former stables and storage building to form two self contained holiday units at Stanley Hill Court, Bosbury, Ledbury - approved as recommended;
  - (e) 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 - refused contrary to recommendation;
  - (f) DCCE2007/2467/RM and DCCE2007/2469/F - land at Venns Lane, Royal National College For The Blind, College Road, Hereford – approved as recommended;
  - (g) DCCE2007/3194/F - siting of wooden cabin to accommodate needs of disabled person. land adjacent 'Old Vicarage', Preston Wynne, Hereford - approved contrary to recommendation.
  - (h) 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, Bannuttree Lane, Bridstow, Ross-On-Wye - approved as recommended;

- (i) 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 - approved as recommended;
- (j) DCSW2007/2978/O - outline planning application for two dwellings, Brookview, Clehonger, Hereford - refused as recommended;
- (k) DCSE2007/3140/O - outline planning application for the development of employment uses including B1, B2 and B8, together with change of use to form landscape buffer zone at Model Farm, Hildersley, Ross-On-Wye - approved as recommended.

## **AREA PLANNING SUB-COMMITTEES**

2. Information reports have been received from the three Area Planning Sub-Committees which have dealt with the following matters:

### **(a) Northern Area Planning Sub-Committee meetings held on 17th October, 14th November & 12th December, 2007**

- applications approved as recommended – 14
- applications refused as recommended – 0
- applications refused contrary to recommendation 1 (referred to Planning committee)
- applications minded to approve contrary to recommendation 2 (1 referred to Planning Committee)
- applications deferred for further information - 2
- number of public speakers – 4 parish council; 7 objectors and 5 supporters
- appeals - 7 appeals received and 19 determined (10 dismissed 7 upheld and 2 withdrawn)

### **(b) Central Area Planning Sub-Committee meetings held on 26th September 24th October & 21st November, 2007**

- applications approved as recommended - 19
- applications refused as recommended - 0
- applications deferred for site inspection – 9
- applications minded to approve contrary to recommendation 1 (referred to Planning Committee)
- applications minded to refuse approve contrary to recommendation 8 (2 referred to Planning Committee)
- applications deferred for further information - 2
- number of public speakers – 8 parish council; 17 objectors and 14 supporters
- appeals - 8 appeals received and 11 determined (6 dismissed, 4 upheld and 1 withdrawn).

**(c) Southern Area Planning Sub-Committee meetings held on 10th October, 7th November 5th December, 2007 & 9th January, 2007**

- applications approved as recommended - 23
- applications refused as recommended - 0
- applications minded to approve 2 (1 referred to Planning Committee)
- applications minded to refuse 7 (4 referred to Planning Committee)
- number of public speakers – 8 Parish Council; 11 objectors and 20 supporters
- appeals - 14 appeals received and 13 determined (7 dismissed, 3 upheld and 3 withdrawn).

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

3. A report has been received from the Local Government Ombudsman following his investigation into a complaint 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. 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, he said that 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

The Committee was disappointed about the findings because it had taken a considerable amount of time to carefully and objectively weigh up all the information before making a decision. It was agreed that that Ombudsman should be informed of these facts.

**DEVELOPMENT CONTROL: HALF ANNUAL REPORT**

4. Details about the Councils Development Control performance in the first six months of 2007/08 were received and the Officers were thanked for their excellent achievements.

## **PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION ON PLANNING APPLICATION REQUIREMENTS**

5. Comments have been received on the Draft Planning Obligations Supplementary Planning Document (SPD) which was published for consultation purposes in March 2007. Appropriate changes have been prepared following the consultation process and the revised SPD will be included within the Council's Local Development Scheme as part of Herefordshire's Local Development Framework. It will set out the Council's policy and approach to dealing with planning obligations and securing developer contributions

The aims of the SPD are to:

- (a) provide as much certainty as possible to landowners, prospective developers and other interested parties;
- (b) ensure a uniform application of policy;
- (c) ensure the process is fair and transparent;
- (d) enable developers to have a 'one stop shop' approach to establishing likely contributions expected; and
- (e) facilitate a speedier response from the authority to development proposals.

The Committee has made comments about the SPD and commended its adoption to the Cabinet Member (Environment and Strategic Housing) and Cabinet. The matter was considered by Cabinet on 24th January and the outcome is reported elsewhere in the Council Agenda.

**TW HUNT  
CHAIRMAN  
PLANNING COMMITTEE**

### **BACKGROUND PAPERS**

- Agenda for the meeting of the Planning Committee held on 14 December 2007 and 18 January 2008.