

**MINUTES of the meeting of the Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on 17th July 2003 at 10.00 am**

Present: Councillor T.W. Hunt (Chairman)
Councillor J.B. Williams (Vice-Chairman)

Councillors BF Ashton, MR Cunningham, DJ Fleet, JGS Guthrie, JW Hope,
B Hunt, Mrs JA Hyde, Brig P Jones CBE, Mrs RF Lincoln, RM Manning,
RI Matthews, Mrs JE Pemberton, R Preece, Mrs SJ Robertson, DC Taylor,
WJ Walling

In attendance: NJJ Davies, PJ Edwards, RJ Phillips.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs CJ Davis and PJ Dauncey.

2. NAMED SUBSTITUTES

There were no substitutions made.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

RESOLVED: That the Minutes of the meeting held on 14 March 2003 be approved as a correct record and signed by the Chairman.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the recent two day planning seminar had been extremely successful and that a further seminar on probity in planning would be held later in the year.

The Chief Forward Planning Officer gave an outline of the latest situation regarding the Herefordshire Unitary Development Plan Draft Deposit. He said that the first deposit period had resulted in 3800 comments being received, of which 20% were in support and 80% were against. The comments received had been analysed and incorporated into a document. The second Draft Deposit period would run during 2004. There would be a public inquiry at the end of 2004/early 2005 and it was anticipated that the Unitary Development Plan would then be adopted during 2005.

The Chairman said that car parking at Brockington had proved to be a problem on certain days when several meetings were being held and that investigation was being made by the Head of Planning Services into additional temporary parking that could be created in the grounds. He drew attention to the seating arrangements for the Committee which was used by the Northern Area Planning Sub-Committee and provided the best layout for Members, Officers and the public. He commended it to the other Sub-Committees.

It was noted that from the next meeting, reports would be submitted to the Committee from the Area Planning Sub-Committees instead of minutes. This would enable more up to date information to be provided, make the agendas more manageable and also -save on printing costs.

6. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Minutes of the Northern Area Planning Sub-Committee meetings held on 5 March, 2 April, 30 April and 6 June 2003 be received and adopted.

7. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Minutes of the Central Area Planning Sub-Committee meetings held on 19 February, 19 March, 16 April 2003 be received and adopted.

8. SOUTHERN AREA PLANNING SUB COMMITTEE

RESOLVED: That the Minutes of the Southern Area Planning Sub-Committee meetings held on 26 February, 26 March and 23 April 2003 be received and adopted.

**9. REFERRED PLANNING APPLICATION - SW2003/0713/F - CHANGE OF USE FROM HOTEL (C1) TO DWELLING HOUSE, THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORDSHIRE, HR3 5TA
SW2003/0710/F - CHANGE OF USE FROM HOLIDAY GUEST ACCOMMODATION TO ON SITE EDUCATIONAL UNIT FOR THE CHILDREN HOUSED IN THE DWELLING AT THE HAVEN, HARDWICKE, HAY-ON-WYE, HEREFORDSHIRE FOR SEDGEMOOR COLLEGE PER OLORUN PLANNING PARTNERSHIP LTD, 107 HIGH STREET, HONITON, DEVON, EX14 1PE**

The Committee considered a report in respect of a planning application which the Southern Area Planning Committee was mindful to refuse on the basis that the proposed uses were in the wrong location, too isolated, had limited facilities for young persons, there would be an impact on amenity, local fear about the operation of the use and the location was not convenient for rapid police response. The Head of Planning Services having investigated the matter had referred the application to the Committee on the basis that the decision of the Sub-Committee presented a conflict with key Development Plan policies.

In accordance with the criteria for public speaking Dr Wilson, an objector spoke against the application.

The local ward member, Councillor NJJ Davies expanded upon the reasons put forward by the Southern Area Planning Sub-Committee for the application to be refused.

Having considered all the evidence put forward, the Committee decided that there were insufficient grounds for the planning applications to be refused.

RESOLVED: That

In respect of SW2003/0713/F

That planning permission be granted subject to the following condition:

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

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

Informative

- 1. The applicants' attention is drawn to the recent High court case (North Devon DC v First Secretary of State) in respect of the status of carers in Use Class C3.**

In respect of SW2003/0710/F

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. The use of the building for educational purposes shall only be for the benefit of the residents of The Haven and no others.**

Reason: In order to define the terms to which the application relates and in order to ensure that the educational unit remains dependent upon the main residential use of The Haven.

- 10. REFERRED PLANNING APPLICATION – NW2003/0283/F – CHANGE OF USE FROM HAULIERS YARD WITH MAINTENANCE, TO LIGHT VEHICLE REPAIR/MAINENANCE DEPOT WITH AGRICULTURAL MAINTENANCE/REPAIR DEPOT AT KILKENNY, LOWER HERGEST, KINGTON, HR5 3ER FOR: MESSRS JONES BROS PER D WALTERS, 27 ELIZABETH ROAD, KINGTON, HEREFORDSHIRE HR5 3DB**

Consideration was given to a report in respect of a planning application which had been referred to the Committee by the Northern Area Planning Sub-Committee which was mindful to refuse it because the proposal would represent an intensification of use that, due to the site's prominence and isolated location, would harm the character and appearance of an area great landscape value. The Head of Planning Services had investigated the matter and had referred the application to the Planning Committee on the basis that the decision by the Sub Committee conflicted with a key planning policy relating to employment and may not be defensible at an appeal.

The Committee discussed the details of the planning application and took note of the views taken by the Northern Area Planning Sub-Committee for it to be refused.

Having considered all the details of the application, the Committee took the view that there were insufficient planning grounds for the application to be refused.

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 - **A11 (Change of use only details required of any alterations)**

Reason: To define the terms under which permission for change of use is granted.
- 3 - **E01 (Restriction on hours of working) 6.00 am to 9.00 pm daily - There shall be no such working on Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.
- 4 - **The premises shall be used for the repairs and maintenance of cars, small commercial vehicles up to a maximum weight of 3.5 tonnes and agricultural plant and machinery and for no other purpose (including any other purpose in Class B2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.
- 5 - **F04 (No open air operation of plant/machinery/equipment)**

Reason: To protect the amenities of nearby properties.
- 6 - **Within one month of the date of this approval, details of the foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within one month of the date of any such approval.**

Reason: In order to ensure that satisfactory drainage arrangements are provided.
- 7 - **Within one month of the date of this approval, details of the areas to be used for the external storage of goods, plant material or machinery (excluding staff and customer cars) shall be submitted to and agreed in writing by the Local Planning Authority. Storage of these items shall thereafter be restricted to the areas as agreed.**

Reason: To protect the appearance of the locality.
- 8 - **G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.
- 9 - **G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

10 - G09 (Retention of trees/hedgerows)

Reason: To safeguard the amenity of the area.

11. INSTALLATION BY NETWORK RAIL OF GSM RECEIVING EQUIPMENT FOR SECURE TRAIN DRIVER – SIGNALLER COMMUNICATION

The Chief Development Control Officer presented the report for the Head of Planning Services regarding notification received from Network Rail of its intention to install equipment for secure train driver to signaller communication. He said that the equipment involved the erection of 33 metre high masts at 11 locations along the rail network within the county. He advised that the company had taken the view that its proposals for Herefordshire constituted permitted development under the provisions of Schedule 2, Part 17 (Class A) of the General Permitted Development Order 1995 because it was required in connection with the movement of traffic by rail.

He said that other local authorities were using powers under Article 4 of the General Permitted Development Order 1995 to require that application for planning permission should be submitted for masts in sensitive locations. Network Rail had given insufficient information about why all the masts should be of the same height, the expected coverage between masts, and how the system would work through the three tunnels in the county (Hope-under-Dinmore, Ledbury and Colwall). There was also no information about trials to ensure that the proposals achieve what is intended, how each site was chosen and there was no indication about giving the public notice about the proposals for individual sites prior to construction. In view of the lack of information and potential problems that could arise the officers had lodged a holding objection.

RESOLVED: That authority be delegated to the County Secretary and Solicitor, in consultation with the Chairman of Planning Committee and local Members for the sites affected and officers, to give (if considered appropriate) a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, suspending permitted development rights and requiring applications for planning permission on the relevant sites.

12. HEREFORDSHIRE HOUSING LAND STUDY

The Committee received a report about the results of the Herefordshire Housing Land Study 2003. The Chief Forward Planning Officer said that the annual study was vital to assist the Council in maintaining an adequate supply of housing land and to enable its release on a managed basis. A few sites from the adopted local plans remained unimplemented and without planning permission and these had been added to the outstanding land supply. Deposit Draft Unitary Development Plan proposal sites had also been included within the remit of the 2003 Study. The information obtained from monitoring was also used to track progress in respect of the Council's planning policies and contributes to the Regional Planning Bodies Annual Monitoring Report. The study involved a site survey of all planning permissions for new housing in the county and information was obtained about the number of dwelling built, those under construction and those not started under each permission.

The conclusions of the study revealed that

- the Government's 60% target for development on brownfield land had been achieved for the first time in 2003;

- the result of reliance upon “windfall” sites meant that house completions are starting to fall behind target within the Unitary Development Plan;
- the number of flats constructed within the County during the year has increased and is following a national trend; and
- housing densities in urban areas was increasing in line with national policy.

The Committee considered details of the Housing Land Study and discussed aspects of the development of brownfield sites, the relationship of the study with the Herefordshire Unitary Development Plan and the provision for car parking to dwellings in urban locations.

RESOLVED:

- That (a) the results of the Herefordshire Housing Land Study 2003 be noted; and**
- (b) the Herefordshire Housing Land Study 2003 be published as a record of the housing land position in the County.**

13. EWYAS HAROLD VILLAGE DESIGN STATEMENT

The Committee considered a report about the Ewyas Harold Village Design Statement which was recommended for adoption as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan. The Chief Forward Planning Officer said that Village Design Statements (VDSs) were a Countryside Agency initiative to encourage local people to make an assessment of local character based upon their own knowledge and perceptions of their village and its surroundings. Community participation was an important aspect of the initiative and was used to draw together a VDS that identified, described and illustrated local character valued by the community. The Countryside Agency recommended that VDSs should be adopted as supplementary planning guidance by the local planning authority.

The Chief Forward Planning Officer suggested that the Village Design Statements for Leintwardine, Much Marcle and Colwall which had previously been endorsed, should now be adopted with that for Ewyas Harold.

RESOLVED:

- That (a) the Ewyas Harold Village Design Statement be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation;**
- (b) the Statement be treated as a material consideration when dealing with planning matters; and**
- (c) the Village Design Statements for Leintwardine, Much Marcle and Colwall be adopted instead of endorsed as interim Supplementary Planning Guidance prior to the adoption of the UDP.**

14. REVISED NATIONAL AND REGIONAL GUIDELINES FOR AGGREGATES PROVISION IN ENGLAND 2001 - 2016

The Committee considered a report setting out revised national and regional guidelines for the aggregate provision in England 2001 – 2016 in relationship to extraction within Herefordshire. The Principal Planning Officer (Minerals and Waste) said that as part of its programme of modernisation the Office of the Deputy Prime Minister was replacing planning policy guidance and minerals policy guidance notes with planning policy statements and mineral policy statements. The new guidelines set out the levels for mineral extraction nationally and reduce that for the West Midlands by some 19% with an increase in recycled material.

RESOLVED:

- That (a) **members inform the West Midlands Regional Aggregates Working Party that the Council supports the adoption of Scenario one set out in the report of the Head of Planning Services for sand and gravel and scenario one for crushed rock, until the West Midlands County supply is exhausted and then Scenario three for crushed rock and:**
- (b) **officers be authorised to adopt these scenarios with immediate effect for the purposes of the Herefordshire Unitary Development Plan preparation and the determination of planning applications.**

The meeting ended at 11.40 am

CHAIRMAN