

**MINUTES of the meeting of the Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on 28 November 2003 at 10.00 am**

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

Councillors Mrs PA Andrews, Mrs CJ Davis, GW Davis, PJ Dauncey, 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: Councillors PJ Edwards, PE Harling, DW Rule and M Wilson.

26. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BF Ashton and MR Cunningham.

27. NAMED SUBSTITUTES

The following substitutions were made:

Substitute	Member
Councillor Mrs PA Andrews	Councillor BF Ashton
Councillor GW Davis	Councillor MR Cunningham

28. DECLARATIONS OF INTEREST

There were no declarations of interest made.

29. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 October 2003 be approved as a correct record and signed by the Chairman.

30. CHAIRMAN'S ANNOUNCEMENTS

The Chairman outlined the work carried out by the Unitary Development Plan Working Group regarding the comments that had been received in respect of the Draft Deposit Plan. He advised that a Members' seminar would be held on 4 February 2004 and that the programme was for Cabinet to consider alterations to the draft deposit on 19 February followed by full Council on 5 March 2004.

The Planning training sessions for Members had proved to be very successful with only a small number of Members having been unable to attend them.

Recruitment of Planning Officers was proving to be difficult. One of two permanent vacancies had been filled and two of the three posts created by the Planning Development Grant comprised one former member of staff and one graduate. Attempts were also being made to recruit a Unitary Development Plan Officer.

The possibility of including location plans with reports in agendas for the Planning Committee and the Area Planning Sub-Committees was being investigated by the officers.

The high number of personal searches regarding the planning element had created difficulties for the Land Charges section. The Planning Services Division would take over the responsibility for providing this information.

The Chairman was sorry to learn of the recent ill health suffered by the Chief Planning Services Officer and the Committee agreed that a letter should be sent to her on its behalf to wish her a speedy recovery.

31. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Report of the Northern Area Planning Sub-Committee meetings held on 15 October and 20 November 2003 be received and noted.

32. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the Report of the Central Area Planning Sub-Committee meetings held on 1 and 29 October 2003 be received and noted.

33. SOUTHERN AREA PLANNING SUB COMMITTEE

RESOLVED: That the Report of the Southern Area Planning Sub-Committee meetings held on 8 October and 5 November 2003 be received and noted.

34. PLANNING APPLICATION – DCNC2003/2849/F – EXTENSION TO FORM SHOWER ROOM FOR DISABLED PERSON AND LINK PORCH AT 27 BRIDGE STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DU

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of an application for planning permission and an application for listed building consent. The application had to be submitted to the Committee because it was from a Member of the Council.

RESOLVED: That

NC032849/F

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 - B02 (Matching external materials (extension))**

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

NC2003/2850/L

Listed Building Consent be granted subject to the following conditions:

- 1 - C01 (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 – B02 (Matching external materials (extension))

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

35. PLANNING APPLICATION DCSE2003/2876/F – RETENTION OF GARAGE / STORE RUDHALL MANOR, PHOCLE GREEN, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TL

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of an application for planning permission. The application had to be submitted to the Committee because it was from a Member of the Council.

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

1 G04 (Landscaping scheme (general))

Reason: In order to protect the setting of the listed building.

2 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the setting of the listed building.

3 Within 3 months of the date of this permission the access drive demarcated in red on the plan attached to the application shall be re-surfaced in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Reason: In order to protect the setting of the listed building.

36. REFERRED PLANNING APPLICATION SW2003/1227/O – SITE FOR ONE DWELLING, LOWER TOMLINS FIELD, ST WEONARDS, HEREFORD, HR2 8QE

The Chief Development Control Officer presented the report of the Head of Planning Services regarding a planning application which had been referred to the Planning Committee. He advised that the Southern Area Planning Sub-Committee was mindful to approve the application, contrary to officer recommendations and planning policies, on the basis of the exceptional circumstances involved and the unique service provided by the applicant. He said that notwithstanding this view, the application conflicted with key Development Plan policies. There was no provision in the Council's planning policies for such a dwelling other than for an agricultural worker. The land was not owned by the applicant and there was an existing dwelling on the site owned by the applicant's mother.

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

Councillor GW Davis, the Local Ward Member, said that the Sub-Committee had voted 10-1 in favour of the application because it revolved around a crucial service provided by the applicant for the local agricultural community. He said that the applicant provided an essential out of hours service for the repair of agricultural

equipment which was almost unique in the area. Dwellings near to his workshop were out of his price range and the Sub-Committee had taken the view that the dwelling was essential for the continuance of the service he provided. Councillor Mrs CJ Davis supported the applicant and said that the proposed dwelling would be in a hollow and would not be visually intrusive to the open countryside. Councillor JB Williams drew attention to the fact that the applicant was a specialist engineer able to deal with serious break downs of equipment out of hours and that a large number of farmers were almost totally dependent on the service he provided. Councillor Mrs JA Hyde said that the service was particularly vital for the smaller independent farmers within the area.

The Committee discussed the merits of the application and on balance felt that an exception could be made to the Council's planning policies because of the unique circumstances surrounding the application. The officers were asked to investigate whether appropriate conditions could be applied that would tie the new dwelling to the business.

RESOLVED: That planning permission be granted in respect of Planning Application SW2003/1227/O (site for one dwelling, Lower Tomlins Field, St Weonards, Hereford) subject to any appropriate conditions considered necessary by the officers named in the scheme of delegation to officers.

37. REFERRED PLANNING APPLICATION DCNW2003/2418/F – PROPOSED TWO BUILDINGS OF NEGATIVE ENVIRONMENTAL IMPACT FOR FAMILY/EDUCATIONAL GROUPS - LAND ADJOINING LEMORE, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR

The Committee considered the report of the Head of Planning Services. The Chief Development Control Officer explained that the application had been referred to the Committee by the Head of Planning Services following a decision by the Northern Area Planning Sub-Committee that it was mindful to approve it contrary to Council policies and officer recommendations. Since then further discussions had been held with the applicant who had provided additional information and given undertakings that satisfied the Council's policies. The application could therefore be recommended for approval.

In accordance with the criteria for public speaking Mr J Glyn-Jones the agent acting on behalf of the applicant spoke in favour of the application.

Having considered all the evidence put forward in favour of the application, the Committee was satisfied that it could be approved.

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 - A07 (development in accordance with approved plans) (Drawing Nos. 3, 4, 5, 6 and JGJ 001 received on 31 July 2003)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 - The building known as the bunk house on the approved plans shall be used for holiday accommodation only and for no other purpose including any other purpose within Class C 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 are not prepared to allow the introduction of an additional unit of residential accommodation in this rural location.

- 4 - The occupation of the building known as the main house on the approved plans shall be limited to a person solely or mainly employed in the business occupying the plot edged red on the attached plan or shall otherwise be used for holiday accommodation only.

Reason: It would be contrary to the Development Plan policies to grant planning permission in this location without the need to provide on site accommodation and in recognition of the flexibility required by the applicant in terms of the seasonal use of the building.

38. REFERRED PLANNING APPLICATION – DCNE2003/2387/F – DETACHED DWELLING ON LAND ADJACENT TO 47 THE GREEN, ASHPERTON, HEREFORDSHIRE, HR8 2RY.

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of a planning application that had been referred to the Committee by the Head of Planning Services following a decision by the Northern Area Planning Sub-Committee that it was mindful to approve the application contrary to Council policies and officer recommendations. The Sub-Committee had taken the view that the site for the proposed dwelling formed part of the settlement and that it was acceptable in policy terms. In addition, the Sub-Committee had supported the proposal on the grounds of meeting a local housing need for a key worker. He advised that the site was outside the settlement boundary which was aimed at preventing the spread of development into the open countryside. The application conflicted with several policy issues in that it was back land development, it would spoil the character of the area, there were highway safety issues, and it would have a long access road. It was also described as a dwelling for a key worker but it was very large and was not of a scale to meet local need.

In accordance with the criteria for public speaking, Mrs P Barnes the applicant spoke in favour of the application.

The Local Ward Member, Councillor R Manning, spoke in favour of the application. He said that the site was well screened by a tall hedge, it would form a natural extension of the settlement boundary and that the dwelling would not detract from the locality. The family had been living and working in the area for many years and were committed to community life in the village and Mr Barnes provided a key service to the locality through his plumbing business. Councillor RI Matthews supported the application, feeling that the proposed development rounded off the village and would not detract from it. Councillor DJ Fleet had concerns about such a development in the open countryside and felt that although the applicant provided an important service, he could not be described as a key worker. Councillor Mrs RF Lincoln had concerns that the proposed dwelling would be very large, situated in back land and with a danger that it could over look adjoining smaller dwellings. The Chief

Development Control Officer had concerns that the application could lead to other applications around the village if it was approved and pointed out that the former Malvern Hills District Council had fixed the settlement boundary in January 1998.

Having considered all the merits in respect of the application, the Committee decided that it should be refused in accordance with the Council's Planning Policies.

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

1. **The site is located outside of the settlement boundary as defined in the Malvern Hills District Local Plan and is accordingly contrary to Housing Policy 4 and Policy H20 of the Hereford and Worcester County Structure Plan.**
2. **The development of this site would detract from the character of the village at this point which is linear in form and therefore contrary to Policy CTC 9 of the Hereford and Worcester County Structure Plan.**

39. PLANNING POLICY STATEMENT 7 (PPS7) – SUSTAINABLE DEVELOPMENT IN RURAL AREAS

A report was presented by the Principal Local Planning Officer about a consultation paper from the Office of the Deputy Prime Minister (ODPM) regarding Planning Policy Statement 7 (PPS 7) – Sustainable Development in Rural Areas. He said that the draft set out the Government's policy objectives regarding rural areas and the way in which these objectives could be achieved. The policies were firmly based on sustainable development and the need to protect the undeveloped countryside for the benefit of all. He further advised that the majority of the policies were closely based on those in PPG7 - The Countryside, Environmental Quality and Economic and Social Development, published in 1997 and provided an update of these. There were new proposals about the replacement of buildings in the countryside and about equine related activities. The policies on community services, tourism and leisure were expanded. The Government proposed to issue accompanying guidance on agriculture and forestry permitted development rights when the final version of PPS7 was published. This would reflect changes that may need to be made as a result of the Government's review of the Town and Country Planning (General Permitted Development) Order 1995. There were proposals to remove the policy exception of PPG7 which allowed large high quality housing to be built in the open countryside and criteria for new occupational dwellings together with policy setting out the implementation and removal of occupancy conditions for such dwellings.

The Government's proposals and officer comments were discussed on the following aspects:

- Sustainable rural communities, rural businesses and services
- The countryside
- Agriculture, farm diversification, equine related activities and forestry; and
- Tourism and leisure.

The relationship between the proposals and those contained within the Herefordshire Unitary Development Plan were also taken into consideration.

RESOLVED: That it be recommended to the Cabinet Member (Environment) that the comments set out in the report of the Chief Forward Planning Officer be submitted to the Office of the Deputy Prime Minister (ODPM) as the views of the Herefordshire Council on the draft consultation paper.

40. DEVELOPMENT BRIEF – LAND OPPOSITE SUTTON ST. NICHOLAS PRIMARY SCHOOL

The Principal Local Planning Officer presented the report of the Chief Forward Planning Officer setting out the proposals to adopt the development brief as supplementary planning guidance to inform future planning applications. The development brief was extremely important, being the first one to emerge from the Herefordshire Unitary Development Plan. It had been prepared in conjunction with the Council's Property and Education services, discussed with the landowner, school governors and the parish council and the views of the local community. He explained the aims of the brief and the development requirements that would be involved for the site. Members of the Committee and the Cabinet Members in attendance expressed their support for the proposed Brief.

RESOLVED: That the development brief be approved and adopted as supplementary planning guidance to be used as the basis of a more detailed master plan to inform and guide future planning applications on this site.

41. DRAFT REGIONAL PLANNING GUIDANCE FOR THE WEST MIDLANDS

The Chief Forward Planning Officer presented his report about a suggested response to the Office of the Deputy Prime Minister's proposed changes to the Draft Regional Planning Guidance. He outlined the background to work on the preparation of the update which had commenced in early 2000 with a timetable of some 30 months. He advised that the present consultation period was in response to the Secretary of State's proposed changes to the plan which had a closing date for comments of 12 December 2003. Following the announcement of the consultation period, the Leader of the Council, the Cabinet Member for Transportation and Councillor B Hunt and officers had attended a regional presentation on the ODPM proposed changes. He took the view that many of the proposed changes to the RPG were to be welcomed in principle as an attempt had been made to give the document more clarity and brevity. The Committee gave detailed consideration to the proposals set out in the consultation document and the comments on the relevant chapters that had been prepared by the officers.

RESOLVED: That the following comments on the proposed changes to the RPG be recommend to the Cabinet Member (Environment).

- (a) Rural renaissance Chapter 5 - Concern is expressed in respect of apparent diminution of the importance of this aspect in the RPG.
- (b) Amend Table 3 Housing on previously developed land in the Column "2001-2011 Target % on previously developed land" on the Herefordshire line should read 63% not 44% as stated.
- (c) In policy PA16, the encouragement to development plans to include positive policies for farm diversification should be strengthened to include the possible use of non-agricultural developments in the wording.

- (d) **Quality of the Environment Chapter 8 - Amend the table in policy M2 to refer to the Revised National and Regional Guidelines for Aggregates Provision 2001- 2016 issued on 10th June 2003 and the agreed sub regional apportionment. (The current RPG refers to figures contained in MPG 6 1994)**
- (e) **In Policy M3 the requirement to "develop better systems to improve the way in which alternative sources of materials are used in construction projects", although necessary are quite beyond meaningful influence by planning authorities. Recommend the deletion of these words from the policy**
- (f) **Minerals Output Targets and Indicators - Amend M1 by adding the word "only" after "To" in the first sentence.**
- (g) **Remove the reference to 0% sterilisation in the third target wording as being impossible to implement.**
- (h) **Transport and Accessibility Chapter 9**
- (i) **RPG para 9.69 be re drafted. Proposed wording:**
- "The A49 in Hereford is subject to increasing congestion. This has a number of implications for sub-regional land use development and regeneration. To address this issue a Local Multi Modal Study has been carried out. The study identifies a package of measures to release travel capacity needed to accommodate development and regeneration and to allow Hereford to fulfil its identified role as a sub-regional centre. This role includes supporting long term balanced sustainable growth. Where appropriate, elements of the recommended package are included as priorities for investment in policy T12."*
- (ii) **An additional line in table policy T12: "Hereford outer distributor road as recommended by the Hereford Local Multi Modal Study"**
- (This should appear following reference to "A500 City Road & Stoke Road junctions"); or,**
- (iii) **Addition of an entry at the end of table policy T12: "Implementation of recommendations from the Hereford Local Multi Modal Study".**
- (iv) **Amend Fig 6 on p. 141 to show A417 Hope under Dinmore to Gloucester as 'primary route' providing alternative to travelling through Hereford on A49 in times of flood.**

The meeting ended at 11.30 am

CHAIRMAN