

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 4 December 2009 at 10.00 am**

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

**Councillors:** PGH Cutter, H Davies, GFM Dawe, DW Greenow, JW Hope MBE, G Lucas, PJ McCaull, PM Morgan, JE Pemberton, RH Smith, AM Toon, WJ Walling, PJ Watts, JB Williams and JD Woodward

**In attendance:** Councillors PA Andrews and PJ Edwards

**54. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors ACR Chappell, KS Guthrie, RI Matthews, AP Taylor and DC Taylor.

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

The following named substitutes were appointed:-

Councillor PJ McCaull for RI Matthews;

Councillor JB Williams for DC Taylor;

Councillor RH Smith for KG Guthrie; and

Councillor A Toon for AP Taylor.

**56. DECLARATIONS OF INTEREST**

Councillor PM Morgan declared a personal interest in agenda item 11 (Minute 64) - DCNE/092162/F - change of use from agricultural to school playing field and erection of security fencing and gate at Ashperton Primary School, Ashperton, Ledbury.

**57. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 23rd October, 2009 be approved as a correct record and signed by the Chairman

**58. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman announced the arrangements for the meeting.

At the end of the meeting he outlined the arrangements for the new Planning Committee which would replace the existing system in January. He paid tribute to the past and present Chairmen and Vice Chairmen of the Committee and the three Area Planning Sub-Committees and thanked Members for their help and support over the years.

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

**RESOLVED:** That the report of the meetings held on 21st October and 18th November, 2009 be received and noted.

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

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

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

**RESOLVED:** That the report of the meetings held on 26th October and 25th November, 2009 be received and noted.

**62. ANNUAL MONITORING REPORT 2008-2009**

The Team Leader Strategic Planning presented the report of the Planning Policy Manager about the Annual Monitoring Report 2007 – 2008. He said that The Planning and Compulsory Purchase Act 2004 had introduced new provisions and requirements for development planning. The regular review and monitoring of Development Plans through mandatory Annual Monitoring Reports (AMR's) was a fundamental feature of the new planning system. AMR's were based on the period from 1st April to 31st March and had to be submitted to the Secretary of State by no later than the following 31st December. He advised that the AMR's were required to assess the impact of the Councils planning policies and framework. The Team Leader Strategic Planning presented the following updates to his report:

The reproduction of the report in the Agenda had "clipped" the text of certain paragraphs. The "missing text" (which is in the original document) is as follows

Committee report page number	AMR page number	"Missing" text
57	Page 15 – at the top	"...April 2009, 10,395 completions were achieved, equating to 85% of the total requirement."
66	Page 24 – at the top	".. solely rely on the proximity of public transport routes as the reason for locating development in a particular area."
69	Page 27– at the top	"... there were 405 sq m convenience retail completions. In previous years the completions figure has been subdivided into over 1,000 sq metres and below 1,000 sq metres, this is no longer the case."

The Team Leader Strategic Planning also asked the Committee to note that on page 92f of the Agenda, that the partnership referred to was between Advantage West Midlands and the regional planning body (currently the West Midlands Regional Assembly).

The Committee considered the contents of the AMR and the Team Leader Strategic Planning highlighted the main features and outlined the extent to which the objectives of the Herefordshire Unitary Development Plan (UDP) policies were being met. He advised the Committee of the key findings which had revealed the following:-

- housing – for the UDP since 1996 some 10,395 new dwellings had been completed, amounting to 85% of the UDP target of 12,200 new dwellings. The downturn in the housing market had meant that 689 had been completed in the last 12 months (a fall of around 20% from the 829 completed in 2007-8. The percentage of housing completions on previously developed or brownfield land at 80% (550) had exceeded regional and national targets. 208 units of affordable housing, were completed in 2008-9, an increase over the previous year (141 units) which was the highest level recorded in the monitoring process. In addition, the preparation of the Local Development Framework had provided an opportunity to review the UDP affordable housing policies and a number of options for this were set out in the Place Shaping Paper which would be published in January.
- employment - the amount of land developed for employment uses over the monitoring period was 10.22ha, above the average recorded since the 1980's. Around 63% of the completions in the year were located on previously developed (brownfield) land.
- in areas of transport, town centres and retail, recreational and leisure, minerals, waste, development requirements, natural historic heritage and renewable energy, findings generally indicated that there had been progress towards meeting targets or monitoring requirements during the 2008-09 monitoring period. The AMR also indicated that for the reporting period, 97 planning applications were approved subject to a Section 106 agreement. The potential monetary value of those contributions was £3,939,493.00 and the AMR contained a breakdown of agreed planning obligations at parish level and the community infrastructure that those contributions would support. This was the first year that such details had been included within the AMR.

Members asked questions about the various issues which were covered in the report and in particular the trends and targets that had been identified and the effectiveness of the policies set out within the Local Development Documents. The targets and achievements in affordable and social housing provision, employment land and associated transportation issues were also debated. Unitary Development Plan Objective TCR (1) regarding central shopping and Commercial areas was also referred to and Councillor AM Toon had concerns about whether such policies could be measured and monitored effectively. The Head of Planning and Transportation said that the monitoring report reflected the transitional stage that the Council was at in moving from the older style development plan to the more recent local development framework which had a different approach to the core development and housing. He said that the replacement plans would assist with the process when they were in place. The Locum Lawyer added that the Local Development Framework addressed the spatial strategy issues and that the AMR helped to inform the Secretary of State what steps the Council had taken to deal with the matter. Councillor Toon asked if there was a change of Government whether there was likely to be a different spatial strategy approach at Regional level. She also asked about the future arrangements for dealing with Section 106 agreements. The Head of Planning and Transportation was of the view that the arrangements were well under way at Regional level regardless of a change of Government. Regarding the arrangements for dealing with Section 106 agreements, he said that this had proved to be very successful and that the contract of the S.106 Monitoring Officer had been extended by a further 12 months.

Having considered the various aspects of the AMR, the Committee decided that it should be commended to the Cabinet Member

## **RESOLVED THAT**

**the Annual Monitoring Report 2008-2009 be endorsed and recommend its approval to the Cabinet Member (Environment and Strategic Housing).**

**63. DMCW/092094/O - DEMOLITION OF EXISTING UNIT, CONSTRUCTION OF CIRCA 5574M2 OF B1/B2/B8 INDUSTRIAL/WAREHOUSE UNITS, ASSOCIATED SERVICE YARDS, CAR PARKING AND ACCESS IMPROVEMENTS AT THREE ELMS TRADING ESTATE, BAKERS LANE, THREE ELMS ROAD, HEREFORD, HR4 9P**

The Central Team Leader presented a report about an application for outline planning permission for the construction of new B1/B2/B8 industrial/warehouse units together with associated works to create service yards, car parking and access improvements. The effect of these works would be to redevelop the redundant core of the industrial estate and to create a more vibrant and commercially viable environment. One of the key strategic objectives in redeveloping the site was to provide for viable and attractive alternative accommodation to meet the needs of local businesses relocating from the Edgar Street Grid regeneration area. He advised that although some of the open space would be lost, it would still include a reasonable amount of formal and informal open space. He added that at present the area was the subject of anti-social behaviour and vandalism and that the scheme would help to overcome this. He also drew attention to the fact that there was a considerable area of open space within easy walking distance nearby which had good access links for local residents. He presented the following updates which had been received since the preparation of the report:

### **ADDITIONAL REPRESENTATIONS**

Valuation & Estates Manager – the capital receipt from the sale of this piece of Public Open Space (POS) will go in its entirety to the provision of improved facilities in the area. The proposed disposal of the POS was publicly advertised at the time the decision to sell the land to the Advantage West Midlands was made. There were only a few enquiries from the local residents as a consequence of the process, which were all in support of the proposal

Environmental Health & Trading Standards Manager – I have no objection to the development proposed in principle, however in order to protect the amenity of nearby residents with regards noise, I would ask that a condition be placed on the permission for a Noise Scheme to be agreed with the Planning Authority prior to occupation of the units.

Environment Agency – No objection by suggest the use of conditions to ensure that issues of flooding, contaminated land and watercourse protection are properly addressed.

### **OFFICER COMMENTS**

The comments of the Environmental Health & Trading Standards Manager and the Environment Agency are noted and those additional conditions are recommended.

### **CHANGE TO RECOMMENDATION**

Take out reference to 'The Environment Agency' and substitute 'Sports England' in the recommendation.

In accordance with the procedure for public speaking, Mr Watts, a local resident spoke against the application because of the loss of amenity land and the adverse impact he felt that it would have on the adjoining residential area.

Councillors PA Andrews and AN Toon, two of the Local Ward Members, spoke in favour of the application, drawing attention to the many years of complaints about anti-social behaviour, vandalism and theft which had been received from local residents whose properties adjoined the site. They asked for local residents to be kept informed about the proposals for the multi-use games area and landscaping which would be included in the scheme. Councillor Toon also drew attention to the lack of amenity space in the northern part of the City and asked for any S.106 funds raised for this purpose to be invested in that area. Councillor Cutter pointed out the importance of ensuring that the recreation areas were also available for those who would be working on the site. Councillor GFM Dawe was opposed to the scheme because of the loss of trees, shrubs and amenity area. He did not feel that making provision for those displaced from the Edgar Street Grid was a sufficient reason for the loss of amenity land.

Having carefully considered all the points raised about the application, the Committee whilst mindful of the loss of some open space, felt that there were more advantages to be gained for local businesses and the community. As well as business units, there would still be a fair amount of recreational and amenity land, with good links to a large area of amenity land nearby.

#### **RESOLVED THAT**

**Subject to there being no material objection from Sports England by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers, and also those recommended by the Environment Agency and by the Environmental Health & Trading Standards Manager:**

- 1 A02 Time limit for submission of reserved matters (outline permission)**
- 2 A03 Time limit for commencement (outline permission)**
- 3 A04 Approval of reserved matters**
- 4 A05 Plans and particulars of reserved matters**
- 5 H18 On site roads - submission of details**
- 6 H29 Covered and secure cycle parking provision**
- 7 H30 Travel Plans**
- 8 I32 Details of floodlighting/external lighting**
- 9 L02 No surface water to connect to public system**
- 10 L03 No drainage run-off to public system**
- 11 L04 Comprehensive & Integrated draining of site**
- 12 Full particulars and detailed plans, sections and elevations of the proposed development, including the items below, shall be submitted to and approved in writing by the local planning authority before any works are**

**commenced:**

- i. The siting of all the building(s) in relation to the site boundaries and adjoining buildings including neighbouring residential properties.**
- ii. The design of the building(s) (including floor space, height, massing, internal layout, treatment of the roof and external appearance together with details of facing materials to be used and their colour and texture).**
- iii. The means of access to the building(s).**
- iv. The use of any part of the site not covered by building(s) and the treatment thereof (including hard and soft landscaping, i.e. planting, paving, walls and fences).**
- v. The extent and position of accommodation for the parking and loading and unloading of vehicles.**
- vi. The level of each floor of the building(s) in relation to the site measured from an external datum point.**

**Reason: To define the terms under which this outline planning permission is granted and to ensure that the proposed development is not detrimental to the visual or residential amenity of the wider locality so as to comply with Policies DR1, DR2, DR3 and DR4 of the Herefordshire Unitary Development Plan 2007.**

**13 No development whatsoever shall take place until a 'Construction Method Statement' has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**

- i. The hours when building operations will occur. (Note: In any event the local planning authority will not allow this to exceed the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm or at any time on Sundays, Bank or Public Holidays).**
- ii. The parking of vehicles of site operatives and visitors.**
- iii. Loading and unloading of plant and materials.**
- iv. Storage of plant and materials used in constructing the development.**
- v. The erection and maintenance of site security hoardings, where appropriate.**
- vi. Wheel washing facilities.**
- vii. Measures to control the emission of dust and dirt during construction.**
- viii. A scheme for recycling/disposing of waste resulting from demolition and construction works.**

**Reason: To define the terms under which this outline planning permission is granted and to ensure that the proposed development is not detrimental**

to the environmental or residential amenity of the wider locality so as to comply with Policies DR1, DR2, DR4 and DR13 of the Herefordshire Unitary Development Plan 2007.

- 14 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways and receptors, a conceptual model and a risk assessment in accordance with current best practice.
  - b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risks to identified receptors.
  - c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: To ensure that potential contamination of the site is satisfactorily assessed and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

- 15 The Remediation Scheme, as approved pursuant to condition no. 14 above, shall be fully implemented before development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the local planning authority in advance of works being undertaken.

Reason: To ensure contamination of the site is removed or contained and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

**Informatives:**

- 1 N01 Access for all
- 2 N03 Adjoining property rights
- 3 N04 Rights of way
- 4 N05 Council ownership
- 5 N08 Advertisements
- 6 N10 Council contract

- 7        **N11C General**
- 8        **W02 Welsh Water rights of access**
- 9        **W01 Welsh Water Connection to PSS**
- 10       **N19 Avoidance of doubt - Approved Plans**
- 11       **N15 Reason(s) for the Grant of PP/LBC/CAC**

**64.        DCNE/092162/F - ASHPERTON PRIMARY SCHOOL, ASHPERTON, LEDBURY, HEREFORDSHIRE, HR8 2SE**

The Senior Planning Officer presented a report about an application to use part of an agricultural field as a play area with a security fence to the rear of Ashperton Primary School. Councillor PM Morgan the Local Ward Member said that the additional land as a school play area was vitally needed to improve the facilities provided by the school and help to secure its future. The Committee was supportive of the application and agreed with a suggestion from Councillor Toon that the land should revert back to agricultural use should it no longer be required by the school in future.

**RESOLVED THAT**

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

- 1.        **A01 Time limit for commencement (full permission)**
- 2.        **G10 Landscaping scheme**
- 3.        **G11 Landscaping scheme - implementation**
- 4.        **G12 Hedgerow planting**
- 5.        **the land to revert back to agricultural use should it no longer be required by the school in future**

**65.        DATES OF FORTHCOMING MEETINGS**

20th January, 10th February, 24th February and 10th March 2010

The meeting ended at 11.40 am

**CHAIRMAN**