

**MINUTES of the meeting of the Planning Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on 31 March 2004 at 10.00 am**

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

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

In attendance: Mrs G Powell, NJJ Davis, PJ Edwards, R Mills, RV Stockton

56. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PJ Dauncey, RI Matthews and DC Taylor.

57. NAMED SUBSTITUTES

Councillor Mrs G Powell substituted for Councillor RI Matthews.

58. DECLARATIONS OF INTEREST

Councillor NJJ Davis declared a prejudicial interest in respect of Agenda Item 9 (Planning Application DCSW2003/3801/F – Extension of Protective Safety Netting between the Cricket Square and the Bowling Green, Dorstone Playing Fields, Dorstone) and left the meeting for the duration of the item.

59. MINUTES

RESOLVED: That the Minutes of the meeting held on 30 January 2004 be approved as a correct record and signed by the Chairman.

60. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

Planning Delivery Grant

The Council had been awarded £406,262 for the Planning Delivery Grant which was some £80,000 more than 2003 and reflected the hard work undertaken by the Planning Services staff, particularly those involved in the Unitary Development Plan and Development Control. Councillor PJ Edwards added that the progress being made reflected the team effort of Members, Planning staff and other Council Staff. The Committee congratulated all members of the Planning Services Division for their impressive achievement.

Stratford-on-Avon Planning Committees

The Council was undertaking a major overhaul of its planning committees to ensure propriety because there had been criticism that they had tended to be influenced by local issues instead of than Planning Policies.

Planning and Compulsory Purchase Bill

The Government were intending to push the Bill through Parliament by Easter 2004.

Training for Members

The Chairman outlined an article in the recent Planning Magazine about training for Members.

Herefordshire Unitary Development Plan

An inspector had recently been appointed and the Public Inquiry would commence on 1 February 2005. The six-week period for the revised Deposit Plan would commence in May and would be aligned with meetings of the Local Area Forums to provide information for the public.

Speaking at Planning Committee and Area Sub-Committee Meetings

Some complaints had been received from the public that they could not hear Members and officers speaking and an investigation was being made into improvements to the sound system. In the interim the Chairman asked that Members and officers speak clearly at meetings so that they could be heard by the public.

61. NORTHERN AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the Northern Area Planning Sub-Committee held on 28th January and 25th February 2004 be received and noted.

62. CENTRAL AREA PLANNING SUB-COMMITTEE

RESOLVED: That the report of the Central Area Planning Sub-Committee held on 11th February 2004 be received and noted.

63. SOUTHERN AREA PLANNING SUB COMMITTEE

RESOLVED: That the report of the Southern Area Planning Sub-Committee held on 18th February 2004 be received and noted.

64. PLANNING APPLICATION DCSW2003/3801/F – EXTENSION OF PROTECTIVE SAFETY NETTING BETWEEN THE CRICKET SQUARE AND THE BOWLING GREEN, DORSTONE PLAYING FIELDS, DORSTONE

The receipt of a letter of support was reported.

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. A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3. **Notwithstanding the approved drawings, details of the netting and colour of the posts shall be submitted to and approved by the local planning authority prior to the commencement of any works.**

Reason: To ensure adherence to the approved plans and to protect the general character and appearance of the area.

4. **The proposed safety netting shall be permanently removed between 1 October and 31 April in any one year.**

Reason: To protect the visual amenity of the area.

Informative(s):

1. **The right of way should remain open at all times throughout the development. If development works are perceived to endanger members of the public then a temporary closure order should be applied for from the Public Rights of Way department, preferably 6 weeks in advance of works starting. The right of way should remain at its historic width and suffer no encroachment or obstruction during the works at any time after completion.**

2. **N15 – Reason(s) for the Grant of Planning Permission.**

65. PLANNING APPLICATION DCCW2004/0209/F – PROPOSED DWELLING AT PLOT 2, LOWER ORCHARDS, BURGHILL, HEREFORD

In accordance with the criteria for public speaking, Mr T Dutton spoke against the application.

Councillor Mrs SJ Robertson, the Local Ward Member said that the village contained a mixture of bungalows, dormer bungalows and houses and felt that the proposed development would be complimentary to it. She pointed out that if the application was approved there were a number of conditions to ensure that the dwelling would harmonise with the surrounding development. Councillor Mrs JE Pemberton was concerned that the proposed dwelling would be too large compared to those adjoining and drew attention to the concerns raised by the local parish council. Councillor BF Ashton was also concerned about the height and the likely impact of the proposed dwelling on a conservation area. The Committee felt that there was merit in undertaking a site inspection before making a decision about the application.

RESOLVED: That consideration of the planning application be deferred pending a site inspection on the following grounds:-

- (I) **the character or appearance of the development itself is a fundamental planning consideration;**
- (II) **a judgement is required in visual impact;**
and
- (III) **the settings and surroundings are fundamental to the determination or to the conditions being considered.**

66. REFERRED PLANNING APPLICATION - REFERENCE NO DCNE2003/2798/F - ERECTION OF TEN, THREE BEDROOMED DWELLINGS WITH GARAGES AT SITE OFF STATION ROAD, COLWALL

In accordance with the criteria for public speaking Mr R Jolly, the agent acting on behalf of the applicant spoke in favour of the application. The Chief Development Control Officer presented the report of the Head of Planning Services and said that the application had been referred to the Committee because the Northern Area planning Sub-Committee was mindful to refuse it, contrary to officer advice. He said that the site had planning permission for six dwellings and that the revised application was for ten, including a new access road. The site was within the settlement boundary of the village and did not impinge upon the Area of Outstanding Natural Beauty (AONB). The proposed density complied with Government guidelines and anything less could merit refusal.

Councillor RV Stockton, the local Ward Councillor said that the application should be refused because the proposed density was detrimental to the environment, tourism, the rural setting, the AONB and the character of the village. He felt that the landscape policies contained within the Malvern Hills Local Plan only made provision for quality development which was essential to the local, social and economic needs and that Planning Policy Guidance Note 7 (PPG7) contained policies for the protection of the landscape and AONB. The land had originally comprised of two bungalows and their gardens and he felt that ten dwellings would be unacceptable and detrimental to the nature and character of the locality. There was no objection in principle to the site being developed as long as the density was in keeping with the existing development in the village. He said that when the application was considered by the Northern Area Planning Sub-Committee it had been rejected unanimously because of the proposed density and impact on the AONB.

Several Members concurred with the views of Councillor Stockton, Councillor Ashton felt that the Government's policies in density were more suited to an urban environment and were difficult to equate to rural Herefordshire. Councillor MR Cunningham was of the view that density would have a detrimental effect on the locality, particularly in relation to the adjoining railway station and potential loss of tree-screening. Councillor Mrs Hyde pointed out that the new development was quite noticeable from the Malvern Hills and that further high density development would be even more prominent. Councillor JB Williams took the contrary view, feeling that the density per acre was not too high in relationship to the adjoining dwellings. The Chief Development Control Officer reiterated the grounds on which the application should be approved and said that because it complied with the Council's policies it would be difficult for the Council to defend an appeal by the applicant if the application was refused. Notwithstanding the views of the officers, the Committee had grave reservations about the application because of the reasons stated and decided that it should be refused.

RESOLVED: That the application be refused on the grounds that It is considered that the density of development proposed is contrary to Landscape Policy 2 of the adopted Malvern Hills District Local Plan (Herefordshire) in that it would be detrimental to the landscape quality of the Malvern Hills Area of Outstanding Natural Beauty, and is not essential to the social and economic needs of the local community

67. REFERRED PLANNING APPLICATION - REFERENCE NO DCSE2004/0220/F – PROPOSED BUILDING FOR THE STORAGE AND REPAIRS OF AGRICULTURAL, HORTICULTURAL, AUTOMOTIVE AND PLANT MACHINERY AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE

The Chief Development Control Officer reported the receipt of information from the Environmental Health Trading Standards Department, an objection from Walford parish council and two further letters from the agent acting on behalf of the applicant.

Councillor Mrs RF Lincoln, the Local Ward Member said that she supported the application on a number of grounds including Planning Policy Statement 7 (PPS7) regarding agricultural diversification. She also felt that there was flexibility within policy ED6 for the application to be supported. She said that the applicant had revised his original proposals by reducing the roof line by 15 feet and the number of bays by 2 and she did not feel that the building would be out of keeping or obtrusive within a rural, agricultural environment. She said that she had received a petition containing 80 signatures together with ten letters of support which had drawn attention to the important service that the applicant provided for the servicing and repair of agricultural machinery and vehicles for the local farming community.

The Chief Development Control Officer said that the proposal was in conflict with the Area of Outstanding Natural Beauty, on the side of a hill and difficult to screen and would be a prominent building. He drew attention to the policies that were in place to protect the environment and advised that the application constituted a commercial business rather than an agricultural business and as such conflicted with a number of those policies. He also said that the applicant had not investigated alternative sites and that in view of the Council policies, this site was the wrong one for such an operation to be created.

Members discussed the merits of the application and whilst recognising the need to protect the local environment felt that the site could be suitably screened and landscaped to minimise the impact. It was mindful of the service provided by the applicant for the local farming community and decided that the application should be approved.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to approve the application in consultation with the Local Ward Member and subject to any conditions considered necessary by the officers.

68. DRAFT PLANNING POLICY STATEMENT NOTE: PPS6 PLANNING FOR TOWN CENTRES

The Principal Strategic Planning Officer presented the report of the Chief Forward Planning Officer about the proposals contained in Draft Planning Policy Statement Note PPS6 on Planning for Town Centres. He advised that the key elements of the statement were:

- a re-emphasis of the “town centres first” objective;
- support for the plan-led approach at regional and local levels;
- local authorities to positively plan for growth and growing town centres;

- to tackle social exclusion through ensuring access to a wide range of everyday goods and services; and
- to promote more sustainable patterns of development and less reliance on the car.

He explained the details of the statement and Members were provided with an analysis of the implications. He advised that a response had had to be submitted to the Office of the Deputy Prime Minister by 15 March 2004 and that the analysis had been submitted to the ODPM with the proviso that the views of the Committee would need to be sought and recommendations made to the Cabinet Member (Environment). Councillor BF Ashton was concerned at the tight timescale for the documents to be considered by the Planning Committee, notwithstanding the fact that the meeting had been postponed from 12 March. It suggested that for matters of such importance, consideration be given to special meetings of the Planning Committee being held in future.

RESOLVED: That the Cabinet Member (Environment) be recommended that the points summarised in the analysis of Implications in the report of the Head of Forward Planning forms the response of Herefordshire Council to be submitted to the Office of the Deputy Prime Minister.

The meeting ended at 11.50 am

CHAIRMAN