

**MINUTES of the meeting of the Planning Committee held at  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on 23 April 2004 at 10.00 am**

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

Councillors BF Ashton, H Bramer, MR Cunningham, Mrs CJ Davis, GW Davis,  
DJ Fleet, JW Hope, B Hunt, Brig P Jones CBE, Mrs RF Lincoln, Mrs M Lloyd-  
Hayes, RM Manning, R Mills, Mrs JE Pemberton, R Preece, Mrs SJ Robertson,  
WJ Walling

In attendance: PJ Edwards, PE Harling, Mrs G Powell, M Wilson

**69. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PJ Dauncey, JGS Guthrie, Mrs JA Hyde, RI Matthews and DC Taylor.

**70. NAMED SUBSTITUTES**

Substitute	Member
Councillor H Bramer	Councillor Mrs JA Hyde
Councillor GW Davis	Councillor DC Taylor
Councillor Mrs MD Lloyd-Hayes	Councillor D Fleet
Councillor R Mills	Councillor JGS Guthrie

**71. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**72. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 31st March 2004 be approved as a correct record and signed by the Chairman.

**73. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

**Ledbury Design Award**

The Ledbury Design Award started in 2000 aimed at giving recognition to projects, which were adjudged to have enhanced the environmental quality of the parish through a building, structure or shop front. The Planning Services Department have been given a 'Highly Commended' award for its help in the design of the New Mills scheme and the Committee congratulated the Department for this achievement.

**Herefordshire Unitary Development Plan – Revised Deposit Draft**

The revised Deposit Draft would be published on 13th May 2004 and a six-week period would be available for comments to be made to the proposed changes only. Public notices, press releases, exhibitions and leaflets would inform of the publication and highlight the main changes being proposed and the revised Plan would be sent to all parish councils and would also be submitted to the next round of the Local Area Forums. An individual response and notification was being sent to individuals and organisations who had made previous comments on the Plan. The Plan could be viewed at the Councils Info in Herefordshire shops, help points at libraries, Council Offices and on the Councils website. Arrangements had been made for new and outstanding objections to be considered by an Independent Planning Inspector at a Public Local Inquiry, which would open on Tuesday 1st February 2005.

**Chief Planning Services Officer**

The Chairman was delighted to report that the Chief Planning Services Officer would be returning to work on 17th May on a gradual and phased basis.

**Public Speaking**

During the period 1st April 2003 – 31st March 2004 public speaking had continued to be popular with some 784 speakers at the Committee and Sub-Committee meetings speaking for nearly 40 hours.

**Area Planning Sub-Committees**

In the new Council year the format of Sub-Committee agendas would be changed so that reports are set out as individual agenda items. This should make the agendas easier to read and also enable more comprehensive use of the modern.gov information retrieval system by making searches on words, phrases and names easier.

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

**RESOLVED:** That the report of the Northern Area Planning Sub-Committee held on 24th March 2004 be received and noted.

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

**RESOLVED:** That the report of the Central Area Planning Sub-Committee held on 10th March and 7th April 2004 be received and noted.

**76. SOUTHERN AREA PLANNING SUB COMMITTEE**

**RESOLVED:** That the report of the Southern Area Planning Sub-Committee held on 17th March and 14th April 2004 be received and noted.

**77. PLANNING APPLICATION DCW2004/0209/F – PROPOSED DWELLING AT PLOT 2, LOWER ORCHARDS, BURGHILL**

The receipt of a letter from the agent acting on behalf of the applicant and a letter from Mr Dutton, an objector was reported.

Councillor Mrs SJ Robertson the local Ward Member said that at the site inspection it could be seen that the village contained a mixture of bungalows, dormer-bungalows and houses and that the proposed dwelling would not have any significant impact upon the Conservation Area. 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 BF Ashton had concerns that there were no other two storey dwellings on the site and that it was in a very visible location. Councillor MR Cunningham echoed this concern and felt that because the site was fairly open and gently undulating it would be dominated by a dwelling instead of a bungalow. Councillor Mrs MD Lloyd-Hayes was not in favour of a two storey dwelling on the site and felt that a bungalow would be more in keeping with the conservation area and adjoining properties. She said that it should be acknowledged that the existing residents had bought their bungalows on the basis that a bungalow would be developed on the plot. She also had concerns about the siting of the proposed garage at the front of the dwelling which she felt that would have an even greater detrimental effect on the location.

The Committee considered the details about the application including the likely impact on the Conservation Area, adjoining dwellings and the height of the proposed dwelling. Councillor Mrs Robertson said that the parish council had pointed out that their views had been misconstrued about the application because they had no objections. They took the view that the location was preferable to elsewhere in the village and although they had certain reservations about its height felt that this was a matter between the architect and the officers. Councillor JB Williams expressed his support for a two storey dwelling which he felt would provide good family accommodation and add to the variation and character of the village. The proposed height of the dwelling would not be much greater than the adjoining bungalows.

The Chief Development Control Officer advised the Committee that the site of the proposed dwelling was on the edge of the conservation area and would have no impact upon it. He pointed out that design and layout of the dwelling was acceptable on planning grounds and that the ridge height of the roof would only be one metre above the existing bungalows. He felt that there would be no significant impact upon the bungalows and the objections raised could not be sustained on planning grounds.

Having carefully considered the application, the Committee decided that planning permission should be granted.

**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. B01 (Samples of external materials).**

Reason: To ensure that the materials harmonise with the surroundings.

3. G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

4. G04 (Landscaping scheme (general)).

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

5. G05 (Implementation of landscaping scheme (general)).

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

6. E16 (Removal of permitted development rights).

Reason: To prevent the overdevelopment of the site and to ensure any future development is controlled.

7. E19 (Obscure glazing to windows).

Reason: In order to protect the residential amenity of adjacent properties.

8. E09 (No conversion of garage to habitable accommodation).

Reason: To ensure adequate off street parking arrangements remain available at all times.

9. E01 (Restriction on hours of working).

Reason: To safeguard the amenities of the locality.

10. H10 (Parking - single house).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

11. Notwithstanding the details indicated on submitted drawing no. 793.1, details of a revised garage roof design shall be submitted to and approved in writing by the local planning authority prior to the commencement of any development on site. Development shall only be carried out strictly in accordance with the approved details.

Reason: To ensure a satisfactory form of development.

**Informatives:**

1. HN1 - Mud on highway.
2. HN4 - Private apparatus within highway.
3. HN5 - Works within the highway.
4. HN10 - No drainage to discharge to highway .

**5. N15 - Reason(s) for the Grant of Planning Permission.****78. PLANNING APPLICATION DCCE2004/0026/F – PROPOSED DEVELOPMENT TO PROVIDE 19 RESIDENTIAL UNITS AT MILL COURT VILLAGE, LEDBURY ROAD, HEREFORD**

The Chief Development Control Officer presented the report of the Head of Planning Services in respect of a planning application for a mix of 19 flats, terraced houses and detached houses at Mill Court Village, Ledbury Road, Hereford. He outlined details of the proposed development and said that conditions were proposed which would safeguard the amenity of the residents of joining properties and the local environment. Improvements would be carried out to the existing access which would help to enhance highway safety. He was satisfied that the application was acceptable on planning grounds.

The Committee discussed details of the application and the likely impact of the proposed dwellings, car parking and access arrangements and concurred with the view of the Chief Development Control Officer.

**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. 12/04/03-1H, 04/12/03-02, 04/12/03-03, 12/04/03-4DY, 04/12/03-5).**

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

**3 B01 (Samples of external materials).**

**Reason: To ensure that the materials harmonise with the surroundings.**

**4 D01 (Site investigation - archaeology).**

**Reason: To ensure the archaeological interest of the site is recorded.**

**5 E18 (No new windows in specified elevation).**

**Reason: In order to protect the residential amenity of adjacent properties.**

**6 F16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents.**

- 7 The levels of the development hereby approved shall be in accordance with the levels shown on drawing No. 12/04/03-1H.

Reason: To accord with the terms of the application and safeguard the amenities of surrounding properties.

- 8 G01 (Details of boundary treatments).

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 9 G02 (Landscaping scheme (housing development)).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 10 G03 (Landscaping scheme (housing development) - implementation).

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 11 No development shall commence on the site or machinery or materials be brought on to the site for the purpose of development until adequate measures have been taken to prevent damage to Eign Brook and to those trees which are to be retained. Protective measures must include:

- a) Protective fencing, of a type and form agreed in writing with the local planning authority, to be erected along the boundary of the 5 metre exclusion zone. This fencing must be at least 2.0 metres high and sufficiently robust to deter construction traffic.
- b) No excavations, site works, trenches, channels, pipes, services or temporary buildings used in connection with the development or areas for the deposit of soil or waste or for the storage of construction materials, equipment or fuel or other deleterious liquids shall be sited within the exclusion zone.

Reason: In order to preserve the character and amenity of the area.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, no buildings or other structures (including gates, walls or fences), shall be erected and/or no changes to ground levels shall be carried out within 5 metres of the top of any bank of water courses and / or within 5 metres of any site of an existing culverted watercourse inside or alongside the site unless otherwise agreed in writing by the local planning authority.

Reason: To maintain access to the water course for maintenance or improvements and allow for overland flood flows.

- 13 H17 (Junction improvement/off site works).

Reason: To ensure the safe and free flow of traffic on the highway.

- 14 H13 (Access, turning area and parking).

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**15 H18 (On site roads - submission of details).**

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

**16 H27 (Parking for site operatives).**

**Reason: To prevent indiscriminate parking in the interests of highway safety.**

**17 H29 (Secure cycle parking provision).**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**Informatives:**

**1 HN01 - Mud on highway.**

**2 HN04 - Private apparatus within highway.**

**3 HN05 - Works within the highway.**

**4 HN08 - Section 38 Agreement details.**

**5 HN09 - Drainage details for Section 38.**

**6 HN10 - No drainage to discharge to highway.**

**7 HN19 - Disabled needs.**

**8 N03 - Adjoining property rights.**

**9 N04 - Rights of way.**

**10 N15 - Reason(s) for the Grant of Planning Permission.**

**11 The applicant's attention is drawn to the attached letter from the Environment Agency.**

**79. WELLINGTON PARISH PLAN**

A report considered suggesting the adoption of the Wellington Parish Plan as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.

The Committee supported the adoption of the Wellington Parish Plan and expressed its appreciation for the hard work undertaken by the local community in helping to prepare the document.

**RESOLVED: That it be recommended to the Cabinet Member (Environment) that the planning elements of the Wellington Parish Plan be adopted as interim Supplementary Planning Guidance as an expression of local distinctiveness and community participation.**

**80. CONSULTATION PAPER ON PLANNING POLICY STATEMENT 1 (PPS1): CREATING SUSTAINABLE COMMUNITIES**

The Principle Planning Officer presented the report of the Chief Forward Planning Officer in respect of a proposed response to the consultation paper published by the Office of the Deputy Prime Minister (ODPM) he advised that the ODPM had invited comments on PPS1 which would replace PPG1 and would assist the Government in achieving its aim of reforming the planning system. PPS1 was an integral part of clause 38 of the Planning and Compulsory Purchase Bill which included provision for the preparation of Regional and Local Plans which encompass the aims of sustainable development, the purpose of the planning system, the spatial planning approach; and community involvement in planning. He said that the Government believed that planning policies should be used to shape the places where people want to work and live in a sustainable manner and which would meet the needs of current and future generations. He also said that the key policy messages from the Government were :

- the need for planning authorities to take an approach based on integrating the aims of sustainable development;
- the need for positive planning to achieve sustainable development objectives and proactive management of development, rather than simply regulation and control;
- the need for plans to set clear visions for communities and help to integrate the wide range of activities relating to development and regeneration; and
- the need for the planning system to be transparent, accessible and accountable, and to actively promote participation and involvement.

The Principal Local Planning Officer provided the Committee with an outline of the main aims of the proposals contained in the draft PPS1. He explained how the Councils Local Development plans and the merging Local Unitary Development Plan already interrelated with other major policies such as the Local Transport Plan the policies of other public authorities and the steps that had been taken to increasingly involve local communities in the preparation of such policies.

The Committee discussed the proposals set out in the consultation paper and the proposed responses to it. Councillor Brig. P. Jones was concerned that although the



draft set out a number of aims it did not indicate how these could be achieved. Councillor M.R. Cunningham shared this view and was particularly concerned that although the draft included the promotion of urban and rural regeneration no proposals were included to protect the shops and hotels of local communities from declining. Councillor Mrs. M. Lloyd-Hayes suggested that the Council should attempt to influence developers through Home Zones in respect of bringing forward sufficient land of a suitable quality in the right locations to meet the needs of development. Councillor B.F. Ashton took the view that the paragraph about promoting the more efficient use of land through high intensity and mixed use should also include the words 'where appropriate' to reflect the particular character and nature of rural and urban Herefordshire. He welcomed greater public participation in the preparation of policies but was concerned that it was then ignored in subsequent changes to Government policy. He was also concerned about Government moves to take away control of Local Authorities on certain issues and felt that this should be resisted where possible. Councillor R.M. Manning welcomed the move to greater transparency but in the planning process but wondered whether there was provision within the Council's Constitution to accommodate it. The Head of Planning Services said that the Council was under pressure to delegate up to 90% of planning applications and was difficult for the Constitution to be too prescriptive.

The Cabinet Member (Environment) expressed his appreciation to the Committee for its input regarding the draft.

**RESOLVED**

**THAT the Cabinet Member (Environment) be recommended that the points summarised in this report forms the response of Herefordshire Council to be submitted to the Office of the Deputy Prime Minister.**

The meeting ended at 11.30 am

**CHAIRMAN**