

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 26th August, 2005 at 10.00 a.m.**

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

**Councillors:** Mrs. P.A. Andrews, B.F. Ashton, M.R. Cunningham, Mrs. C.J. Davis, P.E. Harling, J.W. Hope MBE, B. Hunt, Mrs. J.A. Hyde, Brig. P. Jones CBE, Mrs. R.F. Lincoln, R.M. Manning, R.I. Matthews, Mrs. J.E. Pemberton, R. Preece, D.C. Taylor and W.J. Walling

**In attendance:** Councillors T.M. James and P.G. Turpin

**30. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors DJ Fleet, PJ Dauncey and Mrs SJ Robertson.

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

Councillor Mrs PA Andrews was appointed named substitute for Councillor D.J. Fleet and Ms G Powell for Mrs SJ Robertson.

**32. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
PE Harling	Agenda Item 9 – DCNE2005/0709/F - demolition of existing home and new build extra care home and day centre, with associated facilities at Leadon Bank Old Peoples Home, Orchard Lane, Ledbury, Herefordshire, Hr8 1DQ  For: Shaw Healthcare Herefordshire Ltd per Pentan Partnership, Beaufort Studio, 1 Atlantic Wharf, Cardiff, CF10 4AH	Prejudicial and left the meeting for the duration of this item.
JB Williams	Agenda Item 10 – DCSW2005/0720/F - demolition of existing buildings and erection of 24 houses with parking and/or garages, together with associated roads and sewers, land at Whitehouse Farm, Kingstone, Herefordshire.  For: Jennings Homes per K.C. Humpherson Ltd, The Corner House High Street, Wombourne, WV5 9DN	Personal and remained in the meeting for the duration of this item.

**33. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15th July, 2005 be approved as a correct record and signed by the Chairman, subject to the replacement of 'spoke against' with 'spoke in favour' in the second paragraph of Minute 29.

**34. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

**STAFFING AND RECRUITMENT**

Mr Peter Yates the new Development Control Manager joined the Council on 15th August, 2005 and was welcomed to his first meeting of the Planning Committee.

**THE PLANNING AND COMPULSORY PURCHASE ACT 2004**

The Act introduced Regional Spatial Strategies (RSS), Local Development Schemes (LDS) & Local Development Documents (LDD) replacing Local Plans and Unitary Development Plans.

It introduced the Statement of Development Principles designed to first work alongside, and then eventually replace, Outline Planning Permission, and envisaged as a formalising of informal opinions given by planning officers. A SoDP did not give consent but acted as a material consideration to a planning application and lasted for 3 years once issued.

In Development Control there were numerous changes to the system designed to speed up the process and reduce the burden upon LPAs. These included the power to decline to determine repeat and "twin-tracked" applications and a reduction in the length of planning permissions from 5 to 3 years.

The reforms to the Compulsory Purchase system included increasing the compensation payable to property owners affected by Compulsory Purchase Orders, thereby reducing the time taken to assemble land by avoiding lengthy inquiries instigated by those who felt that they had not been treated fairly

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

**RESOLVED:** That the report of the meetings held on 13th July and 10th August, 2005 be received and noted.

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

**RESOLVED:** That the report of the meeting held on 27th July, 2005 be received and noted.

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

**RESOLVED:** That the report of the meeting held on 3rd August, 2005 be received and noted.

**38. DCNE2005/0709/F - DEMOLITION OF EXISTING HOME AND NEW BUILD EXTRA CARE HOME AND DAY CENTRE, WITH ASSOCIATED FACILITIES AT LEADON BANK OLD PEOPLES HOME, ORCHARD LANE, LEDBURY, HEREFORDSHIRE, HR8 1DQ FOR: SHAW HEALTHCARE HEREFORDSHIRE LTD PER PENTAN PARTNERSHIP, BEAUFORT STUDIO, 1 ATLANTIC WHARF, CARDIFF, CF10 4AH**

The Legal Practice Manager said that a request had been received from Ledbury Town Council for a referendum in respect of the Planning Application and he outlined the legal requirements for a referendum to be held. He said that in this instance the Town Council had not complied with those requirements.

In accordance with the criteria for public speaking Mr Watts of Ledbury Town Council said that there was no objection to the principle of the care home but that the Town Council objected to its design and location. Mr Kerridge spoke against the application and Mr Hehir, the applicants agent, spoke in favour of the application.

Councillor BF Ashton one of the Local Ward Members said that there were some deep seated concerns within the local community about the new unit. There was little objection to the principal of the proposals but the design and location was felt to be over dominant and too close to the main road. The criteria for the home had not changed from the existing unit which was a care home and not a residential unit but that these were not issues for the Planning Committee. Careful consideration had been given to the accommodation that could be provided within the new unit to build in preparation for an increase in the elderly population of Herefordshire. It had not been possible to locate the unit elsewhere on the site but the applicants had taken care in the design of the unit to meet the accommodation needs and planning requirements.

The height had been reduced from 16 metres to 13.4 meters and the Northern Team Leader pointed out that it would not be much higher than a large residential dwelling. Councillor Mrs PA Andrews said that the existing unit no longer met the residential requirements for a care home and it would have individual rooms of a reasonable size for each resident. She felt that the applicants had made a number of compromises in trying to meet the needs of the unit and to overcome the objections of the complainants. Councillor RI Matthews said that as much as possible should be done to overcome objections by the careful use of building materials and the provision of comprehensive landscaping.

Having considered all the aspects in relation to the application, the Committee was satisfied that it should 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 - A09 (Amended plans)**

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

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

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

**4 - F16 (Restriction of hours during construction)**

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

**5 - F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**6 – F48 (Details of slab levels)**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.**

**7 - G01 (Details of boundary treatment)**

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

**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 - 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.**

**11 - H27 (Parking for site operatives)**

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

**12 - Prior to the commencement of the development hereby approved, a 'Green Travel Plan' shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.**

**Reason: To promote sustainable forms of transport.**

**13 - Before the development hereby approved is first brought into use an ambulance parking bay shall be properly demarcated within the application site, in accordance with details to be submitted to and approved in writing by the local planning authority. The bay shall remain available for ambulance parking at all times.**

**Reason: To ensure adequate parking provision is made for emergency vehicles.**

**Informative:**

**1. N15 – (Reasons for planning permission)**

**39. DCSW2005/0720/F - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 24 HOUSES WITH PARKING AND/OR GARAGES, TOGETHER WITH ASSOCIATED ROADS AND SEWERS, LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE**

The Southern Team Leader said that the consideration of the application had been deferred at the previous meeting at the request of the applicants to enable the results of ecology surveys to be obtained. He advised that these have now been received and appear to be in order and that he would need to consult with the Council's Ecologist Officer to confirm.

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

Councillor PG Turpin the Local Ward Member had a number of concerns about the application, feeling that the density proposed was unacceptable and that the pond should be retained as an important landscape feature. He said that a density of twenty dwellings including eight affordable units would be more in keeping with the surrounding residential area.

Councillor RI Matthews supported the suggestion to reduce the number of dwellings and to make a feature of the pond. The Southern Team Leader said that the site of the pond would be used as open space because it was barren and not of ecologic interest to retain. The proposed density was at the lower end of that stipulated by planning guidelines and that if the application was refused it would be difficult to sustain defence of an appeal on the grounds of density.

The Committee discussed all the aspects of the application and the points that had been put forward. They had concerns about the safety issues if the pond was retained and did not consider the proposed density to be excessive. It was therefore decided to approved the application.

**RESOLVED That:**

- i) the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision for amenity facilities, highway works, facilities for local schools, affordable housing and any additional matters and terms as considered appropriate**
- ii) upon completion of the aforementioned planning obligation and the resolution of the issue of ecology, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered appropriate:**
  - 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. A06 (Development in accordance with approved plans )**

**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. G01 (Details of boundary treatments )**

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

**5. G04 (Landscaping scheme (general) )**

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

**6. G05 (Implementation of landscaping scheme (general) )**

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

**7. W01 (Foul/surface water drainage )**

**Reason: To protect the integrity of the public sewerage system.**

**8. W02 (No surface water to connect to public system )**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.**

**9. W03 (No drainage run-off to public system )**

**Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.**

**10. F47 (Measures to deal with soil contamination )**

**Reason: To ensure potential soil contamination is satisfactorily dealt with before the development is occupied.**

**11. F17 (Scheme of foul drainage disposal )**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

**12. F26 (Interception of surface water run off )**

**Reason: To prevent pollution of the water environment.**

**13. Soakaways shall only be used where they would not present a risk to groundwater. If permitted their location must be approved in writing by the local planning authority.**

**Reason: To prevent pollution of controlled waters.**

**14. Details of the means of infilling the pond, i.e. material, shall be the subject of the prior written approval of the local planning authority.**

**Reason: In the interests of the environment.**

**Informative(s):**

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

**40. DCNE2005/1352/F - CONVERSION OF BARNES TO ONE DWELLING IN SUPPORT OF AGRICULTURAL HOLDING AT UPPER HOUSE BARNES, PUTLEY, HEREFORDSHIRE. HR8 2QR FOR: MESSRS D J PARDOE PER MR N J TEALE, BRAMBLES FARM, NAUNTON, UPTON-UPON-SEVERN, WORCESTERSHIRE WR8 0PZ**

In accordance with the criteria for public speaking Mr Pugh the agent acting on behalf of the applicants spoke in favour of the application.

Councillor RM Manning the Local Ward Member felt that there was merit in the application being approved because of on an agricultural need and material planning considerations. He gave an outline of the family circumstances of the applicant and why additional accommodation was needed in connection with the operation of the business. The applicant produced organically grown fruit for a national supermarket and door-to-door sales and required on-site accommodation for a manager to supervise growing, harvesting and packaging of the produce. The application was for the conversion of an existing building which he felt had considerable merit in itself and which did not constitute a new dwelling in the open countryside.

The Northern Team Leader said that the proposal was contrary to a number of the Council's planning policies and that the buildings were not considered to be of significant historic and architectural quality to warrant retention and conversion to residential use. He also said that the existing dwelling on the farm was satisfactory to meet the requirements of the business as outlined by Councillor Manning. Councillor BF Ashton supported this view and felt that if an additional dwelling was needed, an existing one could be purchased nearby on the open market.

The Committee considered all the merits of the application and felt that the applicant had demonstrated sufficient evidence about the functional agricultural use of the farm and agricultural diversification. The views of the Officers were noted but it was felt that the applicants had demonstrated a functional need for the dwelling as part of the running of the fruit production and packaging business. It was felt that permission could be granted if the dwelling was tied to the business and permitted development rights were removed.

**RESOLVED: That planning permission be granted subject to the following conditions and any further conditions felt to be necessary by the Head of Planning Services:**

- (i) the proposed dwelling being tied to the agricultural business;**
- (ii) removal of permitted development rights; and**
- (iii) material considerations.**

41. **DCNW2005/1542/O - DEMOLITION OF EXISTING DWELLING, GARAGE AND OUTBUILDINGS. SITE FOR CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT OF SIX DWELLINGS AT BURNSIDE, HIGH STREET, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LQ FOR: WICKS CONSULTANCY PER MR STEPHEN FUNGE, ARCHITECTURAL DESIGN, DARTMOOR VIEW, QUEEN STREET WINKLEIGH, DEVON, EX19 8JB**

In accordance with the criteria for public speaking Mr Jackson of Leintwardine Parish Council and Mr Kerr spoke against the application.

The objectors had made reference to the density of housing proposed on the site and the Northern Team Leader said that the density for Burnside was in keeping with similar developments in other villages. Councillor BF Ashton had a number concerns about such densities not being in keeping with rural areas. The Legal Practice Manager said that although the Committee was not bound by guidance on housing densities, it was a matter which should be a material consideration and there was a need to bear in mind the recent views of the public enquiry inspector about acceptable densities.

Having considered all the issues in respect of the application the Committee decided that it should be approved.

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

- 1 - **A02 (Time limit for submission of reserved matters (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 2 - **A03 (Time limit for commencement (outline permission) )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 3 - **A04 (Approval of reserved matters )**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

- 4 - **A05 (Plans and particulars of reserved matters )**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 5 - **B01 (Samples of external materials )**

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

- 6 - **E16 (Removal of permitted development rights )**

**Reason: To ensure effective control over further developments which may affect the amenities of neighbouring occupiers and the future health of important trees on site.**



- 7 - E18 (No new windows in specified elevation )

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

- 8 - F16 (Restriction of hours during construction )

Reason: To protect the amenity of local residents.

- 9 - G06 (Scope of landscaping scheme )

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

- 10 - G09 (Retention of trees/hedgerows )

Reason: To safeguard the amenity of the area.

- 11 - 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.

- 12 - H27 (Parking for site operatives )

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

- 13 - The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the LPA in writing.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

**Informatives:**

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - HN01 - Mud on highway
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN10 - No drainage to discharge to highway
- 6 - N11A - Wildlife and Countryside Act 1981 (as amended) - Birds

42. **DCNE2005/2182/T - 14.7M HIGH SLIMLINE TELECOMMUNICATIONS MONOPOLE, 2 NO. ANTENNAE, CABINETS AND ANCILLARY DEVELOPMENT AT THE OLD ROAD ADJACENT TO A449, CHANCES PITCH, COLWALL, MALVERN, WR13 6EJ**

The Senior Planning Officer presented the report of the Head of Planning Services about the application which had been submitted to the Committee in accordance with the provisions of the Council's Constitution because it related to Council owned land.

