

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 12 May 2010 at 10.00 am

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

Councillors: ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, G Lucas, PJ McCaull, JE Pemberton, DC Taylor, AM Toon, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors MJ Fishley, AE Gray, TM James and RJ Phillips

124. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RI Matthews and AP Taylor.

125. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PJ McCaull was a substitute member for Councillor RI Matthews and Councillor AM Toon was a substitute member for Councillor AP Taylor.

126. DECLARATIONS OF INTEREST

9. DMSE/100399/F & DMSE/100400/C - PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.
Councillor PGH Cutter, Personal.

10. DMSW/100072/F - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HR2 8DL.
Councillor MJ Fishley, Prejudicial.

11. DMCE/091754/F & DMCE/091755/L - NEW INN, BARTESTREE, HEREFORD, HR1 4BX.
Councillor PJ McCaull, Personal.

127. MINUTES

Councillor DW Greenow noted that comments made during the debate had not been attributed to specific Members. The Democratic Services Officer advised that a report had been taken to the Constitutional Review Working Group advising that minutes would be produced in the current form.

RESOLVED: That the Minutes of the meetings held on 30 March and 14 April 2010 be approved as a correct record and signed by the Chairman.

128. CHAIRMAN'S ANNOUNCEMENTS

The Chairman gave a brief summary of the number of meetings held and the number of applications determined since the new single committee system was introduced in January 2010.

129. APPEALS

The Committee noted the report.

130. DMNW/100261/F - LAND OPPOSITE ARROW PLANT, EARDISLEY ROAD, KINGTON, HEREFORDSHIRE, HR5 3EA

Proposed medical centre to include doctors' surgery, dental facilities and dispensary, proposed vehicle access, treatment plant and landscaping.

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Dudhill, a neighbouring resident had registered to speak but was unwell on the day of the meeting. The Development Control Manager read out a written statement on behalf of Mr Dudhill.

In accordance with the criteria for public speaking, Dr King, the applicant, spoke in support of his application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor TM James, the local ward member, commented on a number of issues, including:

- The existing surgery was too small and caused problems for neighbouring residents due to parking issues on the site.
- The alternative sites outlined in the reports were not suitable, four had been developed, one was identified as the football ground, one was the recreation ground and the others fell within the flood plain.
- The only alternative site where development would be possible was the market site. The owners of the site had made it clear that they were not willing to relocate and sell the land.
- The proposed site was not ideal but was the best possible option available.
- On balance the necessity of the new surgery outweighed the concerns.
- The access to the site would need to be improved if planning permission was granted on the site.
- No protected species would be affected through the granting of planning permission on the site.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RJ Phillips, the adjoining ward member, commented on a number of issues, including:

- The application was submitted following eight years of research.
- 16 possible sites had been investigated at a cost of approximately £200,000.
- The proposed site was not perfect but was the best possible solution.
- Unitary Development Plan policies CF5 and S11 allowed for the site to be developed for community usage.
- The applicant was investigating the possibility of purchasing additional adjoining land to allow for an increased car parking capacity.
- A pedestrian crossing would need to be a condition of any approval.

- Members should delegate approval subject to conditions to address visibility, signage, pedestrian crossing, car parking, and any other issues deemed necessary by Officers.
- The available PCT funding may have been lost if the application was not approved.

The Committee noted that the current medical centre located at the Meads, Victoria Road, Kington and supported by two satellite surgeries in Pembridge and Eardisley had 8500 registered patients from a 600 square mile area. They appreciated the concerns expressed in respect of the limitations of the current site and agreed that it was insufficient for the needs of a modern surgery.

The lack of a current bus service to the site was discussed but members noted that the majority of patients would drive or walk to the surgery. Members felt that patients should be encouraged to walk to the surgery in order to promote a healthy lifestyle. It was also noted that the town had a local bus operator who may offer a regular service if permission was granted.

Members had concerns in respect of the 16 alternative sites referred to in the report. It was noted that a number of the sites had been developed and others were located within the flood plain. Members felt that the proposed site, although being outside of the town centre, was the most suitable site for development.

Members felt that the 600 letters of support received outlined the level of support for the application within the local community. They also noted that central Government and the Primary Care Trust demanded modern, purpose built surgeries and that the funding for the proposed surgery was available at present. There were concerns as to whether the funding would be available for a future application.

Members discussed the application thoroughly and on balance were minded to support the application in accordance with policies S11 and CF5 of the Unitary Development Plan. Members noted the concerns in respect of access, landscaping, and car parking but felt that these could be addressed through conditions agreed in consultation with the Chairman, the local ward member and the neighbouring ward member.

The Development Control Manager advised members that although the Unitary Development Plan policies supported the provision of community facilities, in the Officer's opinion the application did not meet the criteria as set out in the report. He advised members that he remained unsatisfied that all alternative sites had been investigated and drew their attention to concerns raised by the Council's Landscape Manager and Ecologist. He also advised members that there were serious concerns regarding the access and car parking provisions.

Councillors James and Phillips were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated the issues raised in their opening statements and also made a number of addition points, including:

- The current site was in a residential area located 600 metres away from the nearest bus stop.
- Less than 1% of patients accessed the current surgery on foot.
- All of the concerns in respect of the site could be addressed through suitable conditions.
- There were no suitable alternative sites within the area.

RESOLVED

That the Officers named in the Scheme of Delegation to Officers be authorised to approve the application contrary to the Officer's recommendation subject to any conditions considered necessary by Officers in consultation with the Chairman, the local ward member, and the neighbouring ward member.

131. DMSE/100298/O - LAND OPPOSITE CATTLE ROAD, NETHERTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7QQ.

Light industrial units B1 use.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Rollings, the applicant, spoke in support of his application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AE Gray, one of the local ward members, commented on a number of issues, including:

- That she was concerned that any planting requested in the conditions could be removed after 5 years.
- That there appeared to be a lack of information from the applicant
- There was a need for closer working between the applicant and the planning department.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter one of the local ward members, commented on a number of issues, including:

- Members were thanked for attending the site visit.
- The site was located on an industrial estate.
- The site had engineering concerns but these could be resolved.
- The transport issues had now been resolved.
- It was important to get small industrial units in Ross on Wye to promote business.
- There were a few units available on Alton Road but not enough.
- The future proposed development at Model Farm was noted.
- There was need to support local industry.
- The applicant was a local man willing to invest in the town.
- At a recent LDF meeting in Ross someone stated that they could not find a suitable premise in Ross so would have to take their business elsewhere.
- Ecology concerns can be addressed.
- The application should not be refused but it could be deferred pending further discussions and information from the applicant.

The Development Control Manager read out an email from Councillor BA Durkin which had been received on the morning of the meeting. He advised Members that he was the adjoining ward member and had not been consulted or had any discussions with the planning department at any stage of the application process. He noted the concerns of the Parish Council and endorsed the Senior Planning Officer's recommendation.

In response to a question, the Senior Planning Officer confirmed that the Conservation Manager had not received any additional information from the applicant regarding the ecological interest of the site.

Members discussed the application and had some concerns in respect of the large scale landscaping that would be required prior to any building work being commenced on the

site. There were also concerns raised in respect of ecology on the site and the Committee therefore felt that there was a requirement for further ecological details to be submitted by the applicant. Due to these issues they decided that deferring the determination of the application would be in the interests of all parties concerned.

The Development Control Manager noted the Committees wish to defer the determination of the application but advised them that some ecology reports can only be conducted at certain times of the year. He also added that ecology was one of the three grounds for refusal and that in his opinion there was a need to overcome the acceptability of development on the site.

Councillors Cutter and Gray were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated the issues raised in their opening statements and also made a number of addition points, including:

- The reasons for refusal outlined in the report could be addressed through further dialogue with the applicant.
- Ross Rural Parish Council supported the application.

RESOLVED

That determination of the application be deferred pending further discussions with the applicant in respect of the possible loss of ecology on the site and the availability of other sites as outlined in refusal reasons 1 and 3 of the Officer's report.

132. DMSE/100399/F & DMSE/100400/C - PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.

Demolition of existing residential property & construction of 14 no. apartments, associated car parking, landscaping and access.

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Warwick, a neighbouring resident, spoke in objection to the application and Mr Benbow, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AE Gray, one of the local ward members, commented on a number of issues, including:

- Members were thanked for attending the site visit.
- Walford Road fell within an area of outstanding natural beauty.
- The development would represent intensification of the site.
- Concerns were raised in respect of the privacy of the neighbouring residents.
- The application should be refused on grounds of visual impact, scale, density and because the site was within the AONB.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter one of the local ward members, commented on a number of issues, including:

- Concurred with Mr Warwick and fellow local ward member, Councilor AE Gray
- Noted the concerns of the local residents as well as the various consultees.

- There is merit for the site to be developed through a sympathetic application however the proposal is not suitable.
- The site overlooks the playing field of the local primary school.
- Cars park along Walford Road making it virtually single carriageway.
- The application should be refused on grounds of visual impact.
- Will result in noise concerns for the local residents.

Members discussed the application and voiced their concerns in respect of the application. Concerns related to the density of the development which Members felt would result in over intensification of the site as well as concerns over highways and the loss of amenity to neighbouring residents. Members noted that the UDP stated that local distinctiveness should be protected and that any development in a conservation area should preserve or enhance the area. Members wished it to be noted that they did not object to development on the site but felt that the current proposal was unacceptable.

A Member of the Committee congratulated the case officer and thanked him for a detailed report and presentation. He felt that the application could be classed as 'garden grabbing' and felt that the committee should refuse it. The following reasons for refusal were outlined:

- 1 The granting of the application would result in an adverse visual impact on the character of the conservation area.
- 2 The granting of the application would result in over intensification of the site.

Another member had a differing view and felt that there were no material planning reasons to refuse the application. He felt that there was sufficient screening between the development and the neighbouring residents properties and noted that the development was of a similar design to others within the county.

In response to a question the Principal Planning Officer confirmed that there was no maximum density outlined in planning guidance although 50 dwellings per hectare was deemed acceptable.

The Head of Planning and Transportation drew Members attention to the Policy issues raised in paragraph 6.2 of the Officer's report. He advised Members that he had recently received a letter from the Government regarding development on previously developed land. He noted that PPS3 had been amended following Government commissioned research. The Government had stated in their letter that there was merit in reminding officers that matters regarding previously developed land should be dealt with locally. In summing up the Head of Planning and Transportation stated that it was reasonable for Members to make a decision on the application based on the character of the area. He also advised that Members should make a judgment as to whether granting the application would preserve or enhance the conservation area.

Councillors Cutter and Gray were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated the issues raised in their opening statements and also made a number of addition points, including:

- That the town of Ross on Wye fell within the AONB.
- The comments from all statutory consultees were welcomed.
- The guidance offered by the Head of Planning and Transportation was welcomed.
- The application should be refused for the reasons stated during the debate.

RESOLVED

That the application be refused contrary to the Officer's recommendation for the following reasons:

- 1 The granting of the application will result in an adverse visual impact on the character of the conservation area.**
- 2 The granting of the application will result in over intensification of the site.**

133. DMSW/100072/F - HEREFORD WALDORF SCHOOL, MUCH DEWCHURCH, HEREFORD, HR2 8DL

Landscape development and change of use of existing fields for educational use.

The Southern Team Leader gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with paragraph 5.14.6.3 of the Council's Constitution, Councillor MJ Fishley, the local ward member who had declared a prejudicial interest in respect of the application, addressed the Committee before leaving the Council Chamber for the duration of the item. She commented on a number of issues, including:

- The current car parking provisions were unsafe.
- The outlook from the church would be much improved if the application was approved.
- Sporting facilities at the school would be greatly improved.
- Outdoor activities were important for pupils at the school.
- The proposed application will reduce vehicular movements and will provide a safe drop off point for children.
- The recommended conditions allay any concerns raised by local residents.

In accordance with the criteria for public speaking Mr Mephram, the Principal of the Steiner Academy, spoke in support of the application.

The Committee noted the presence of a public footpath which ran across the school field. Some concerns were raised in respect of the public being able to access the school playing fields. The Committee noted that a number of school playing fields were being sold off throughout the Country, they felt that the application should be supported in order to promote good health for students. They added that child obesity was on the increase and therefore outside playing areas should be promoted.

Members also noted that there were parking issues at present, they felt that these would be improved if the application was approved. Some concerns were raised in respect of the location of the bus stop as well as the possible extension of the village envelope.

The Head of Planning and Transportation advised Members that approval of the application would not impact on the village envelope as set out in the UDP. It would however be assessed as part of the LDF process. He added that the application should be determined on its merits with all material planning issues taken into consideration.

The Southern Team Leader advised Members that condition 16 of the recommendation removed permitted development rights in order to restrict any future development on the site.

In Summing up Members felt that the applicants should be proud of the school. They felt that the application should be supported and the applicants were congratulated for the successful school they had established in the village of Much Dewchurch.

RESOLVED

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 F01 Restriction on hours of working**
- 4 G01 Earthworks**
- 5 G02 Retention of trees and hedgerows**
- 6 G04 Protection of trees/hedgerows that are to be retained**
- 7 G10 Landscaping scheme**
- 8 G11 Landscaping scheme - implementation**
- 9 G14 Landscape management plan**
- 10 G15 Landscape maintenance arrangements**
- 11 H15 Turning and parking: change of use - commercial**
- 12 I32 Details of floodlighting/external lighting**
- 13 The foul drainage system (EHSA 004,005 and 008) proposed shall be installed prior to the first use of the extended school grounds or as otherwise agreed in writing with the local planning authority.**

Reason: In order to ensure that that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 14 H30 Travel plans**
- 15 Details for the footpath link off Dewchurch Meadow, including any provision for works to the highway shall be the subject of the prior written approval of the local planning authority before the new footpath crossing Dewchurch Meadow is first brought into use. The details as approved shall be implemented prior to the first use of the extended school grounds or as otherwise agreed in writing with the local planning authority.**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

- 16 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A and B of Part 32 of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the locality and to comply with Policies LA2, LA3, DR1 and CF5 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N11A Wildlife and Countryside Act 1981 (as amended) - Birds

2 N11C General

134. DMCE/091754/F & DMCE/091755/L - NEW INN, BARTESTREE, HEREFORD, HR1 4BX

Erection of free standing timber deck to front of public house, deck to include ambulant stepped access. Provision of satellite dish to building frontage.

The Development Control Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, advised Members that he felt that the conditions outlined in the Further Information Report would address any concerns raised in respect of the application.

A Member of the Committee noted that the conditions referred to a temporary planning permission for a 5 year period. It was noted that during the debate at the previous meeting a 5 year temporary permission had been suggested by Members and had therefore been recommended as a condition.

The Local Ward Member advised the Committee that he was happy with the proposed conditions.

RESOLVED

That the applications be approved contrary to the Officer's recommendation subject to the following conditions:

1 The decking hereby permitted shall be removed and the land returned to its former condition on or before 1 June 2015, in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: To enable the local planning authority to retain control over the appearance and condition of the decking having regard to Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

2 Within three months of the date of this planning permission the decking shall be reconstructed and re-painted in accordance with the detail shown on drawing number 5798-1-4a received by the local planning authority on 24 March 2010.

Reason: To ensure that the work is carried out in accordance with the details that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

- 3 Within four months of the date of this permission the landscaping/hedge as detailed on drawing number 5798-1-4a shall be completed. The landscaping shall be maintained until 1 June 2015, or until the decking is removed. During this time any trees or shrubs which are removed, die or are seriously retarded shall be replaced during the next planting season.**

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan.

- 4 Within three months of the date of this planning permission the satellite dish shall be removed from the front elevation of the building and re-sited in accordance with details which shall have been submitted to and approved in writing by the local planning authority.**

Reason: To ensure the safeguarding of the special architectural or historic interest of the building and to comply with Policies HBA1 and HBA4 of the Herefordshire Unitary Development Plan.

135. DMNE/092262/F - FREEMAN'S Paddock, BROMTREES HALL, BISHOP'S FROME, HEREFORDSHIRE, WR6 3BY

Change of use of land from agricultural to family travellers site, plus retrospective application for construction of barn and new access.

The Development Control Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Mann spoke in objection to the application and Mr Baines spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PM Morgan, the local ward member, commented on a number of issues, including:

- The Further Information Report noted the reasons for refusal discussed by members at the last meeting.
- The local ward member advised the case officer that she would be happy to offer her support in defence of any possible appeal on the site.

A Member of the Committee noted that the site was in a remote location and felt that the application should be approved. He felt that the committee should not question the applicants' lifestyle choice and therefore supported the application.

Members discussed the application and noted the comments outlined in paragraph 6.10 of the officer's report regarding availability of pitches throughout the county. They felt that the available pitches should be allocated prior to any new pitches being approved. They also felt that the Unitary Development Plan should be revised in order to address the issue of traveller sites.

RESOLVED

That the application be refused contrary to the Officer's recommendation for the following reasons:

- 1 The proposal would represent an uncharacteristic form of development which would be out of keeping with, and be detrimental to, the established**

landscape character of the area. As such the development would be contrary to Policies S1, LA2, H7 and H12 of Herefordshire Unitary Development Plan 2007.

- 2 The provision of a family travellers' site in this location is considered to be unacceptable as it would be remote from local services and facilities and it would not be readily accessible to a choice of modes of transport. As such the development would be contrary to Policies S1, H7 and H12 of Herefordshire Unitary Development Plan 2007.
- 3 The Local Planning Authority is not satisfied, having regard to the size of the holding and the nature of the proposal that the barn is reasonably required for the purposes of agriculture. As such the development would be contrary to Policy E13 of Herefordshire Unitary Development Plan 2007.

136. DMNE/092736/F - HAZLE MILL, HAZLE FARM, DYMOCK ROAD, LEDBURY, HEREFORD, HR1 4JQ

Proposed conversion of redundant Mill to form live/work unit.

The Development Control Manager gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Lewis, the applicant, spoke in support of his application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PJ Watts, the local ward member, commented on a number of issues, including:

- The applicant was happy with the proposed conditions recommended by the case officer if the committee were minded to approve the application contrary to the recommendation.
- The engineer's report stating that the building was suitable for conversion was noted.

RESOLVED

That the application be approved contrary to the Officer's recommendation subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the approved plans [(drawing nos.)] and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 3 The business floorspace of the live/work unit hereby permitted shall be made available and ready for occupation prior to the first occupation of the residential accommodation and the residential use shall not precede commencement of the business use.**

Reason: To ensure that a new unrestricted dwellinghouse is not permitted in the open countryside contrary to both Central Government advice and Development Plan policies. The only reason for granting permission for the residential use is that it is considered to be a necessary accompaniment to the establishment of a rural based business.

- 4 The business floorspace of the live/work unit shall not be used for any purpose other than for purposes within Class B1 in the Schedule to 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: To ensure that the occupiers of the residential floorspace enjoy a satisfactory level of amenity and to ensure that the type of vehicular traffic using the access driveway and means of access onto the public highway is of an appropriate type not prejudicing highway safety.

- 5 The residential floorspace of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floorspace of that unit, a widow or widower of such a person, or any resident dependants.**

Reasons:

a) To ensure that the occupiers of the residential floorspace enjoy a satisfactory level of amenity and;

b) To ensure that the one of the reasons of allowing a live/work unit being the creation of a sustainable pattern of development where a person lives where they work thus reducing reliance on the private motor vehicle is adhered to.

- 6 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 as amended, including the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 and the Town and Country Planning (General Permitted) (Amendment) (England) Order 2010 no development normally permitted by Classes, A, B, C, D, E, F and G of Part 1, Classes A, B, C and D of Part 8 and Classes A and B of Part 41 of Schedule 2 of Article 3 without the express consent of the Local Planning Authority.**

Reason:

a) To ensure that the building remains in its original form in compliance with Development Plan policy and the Council's Supplementary Planning Guidance entitled 'Re-Use and Adaptation of Rural Buildings' (July 2004) and;

b) To ensure that the footprint of the building does not increase that would impact on flood storage or flood flows.

- 7 The woodland planting shown upon drawing number 3231s4 received 2 March 2010 shall be planted in the first planting season following the first use of the business floorspace hereby permitted or the first occupation of the residential floorspace hereby permitted, whichever is the sooner. Any trees which within a period of five years from the first use of the building die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the long-term timber source to sustain the enterprise in the long-term is made available adjoining the site, thus creating a more sustainable pattern of development.

INFORMATIVES:

- 1 The attention of the applicant is drawn to the provisions of the Wildlife and Countryside Act 1981 (as amended). This gives statutory protection to a number of species and their habitats. Other animals are also protected under their own legislation. Should any protected species or their habitat be identified during the course of the development then work should cease immediately and Natural England should be informed. They can be contacted at: Block B, Government Buildings, Whittington Road, Worcester, WR5 2LQ. Tel: 01905 763355.

The attention of the applicant is also drawn to the provisions of the Conservation (Natural Habitats & c.) Regulations 1994 (as amended). European protected animal species and their breeding sites or resting places are protected under Regulation 39. It is an offence for anyone to deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. It is an offence to damage or destroy a breeding or resting place of such an animal.

- 2 This permission is for conversion of the building only and if at any time during the course of the works the building is substantially demolished or dismantled the local planning authority will consider any further work to be unauthorised by this planning permission.
- 3 The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan 2007 set out below, and to all relevant material considerations including Supplementary Planning Guidance:

Herefordshire Unitary Development Plan 2007

S1	-	Sustainable Development
H7	-	Housing in the Countryside Outside Settlements
HBA12	-	Re-Use of Rural Buildings
HBA13	-	Re-Use of Rural Buildings for Residential Purposes
DR7	-	Flood Risk
DR3	-	Movement

In reaching this decision the local planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of environmental impact and highway safety were addressed and concluded that planning permission should be granted.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting The Hereford Centre, Garrick House, Widemarsh Street, Hereford (tel: 01432 261563).

137. DATE OF NEXT MEETING

Members noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 2.40 pm

CHAIRMAN

PLANNING COMMITTEE

12 May 2010

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

7 DMNW/100261/F - Proposed medical centre to include doctors surgery, dental facilities and dispensary, proposed vehicle access, treatment plant and landscaping on land opposite Arrow Plant, Eardisley Road, Kington, Herefordshire, HR5 3EA.

For: Kington Medical Practice per Mr R Ricks, 49 North Hill, Colchester, Essex, C01 1PY.

ADDITIONAL REPRESENTATIONS

1. Approximately 170 additional letters in support of the application have been received. In total there are approximately 600 letters in support of this application.
2. Responses in support of the application have also been received from:
 - Eardisley Group Parish Council
 - New Radnor Community Council
 - Old Radnor Community Council.

3. Kington Town Councils 'additional comments' were also omitted from the report and are as follows:

Kington Town Council would also like to add certain reservations:

The Council is concerned in protecting and enhancing the vitality and viability of Kington town centre and there would be danger of this by taking the Medical Centre outside the town envelope. Concern was also shown as to the location due to accessibility of the ageing population of Kington.

4. A letter of Objection from Mr Peter Harding- Roberts was omitted from the report but raised no new / other issues.
5. The applicants have also responded to comments made in relation to the 'alternative sites' as follows:

'I note CPRE have objected to the application and have referred to sites, including the application site, within the Strategic Housing Land Availability Assessment. In particular they refer to two

sites identified within the town boundary as suitable for 30 houses and as such of a size appropriate for a medical centre.

Insofar as those sites that have been identified as potential housing allocations through the forthcoming LDF three are identified as having capacity of about 30 dwellings. All three sites were included in our alternative site analysis and it is interesting to note that whilst they may emerge as proposed housing allocations in due course they have the following constraints:

- Rear of 20 Mill Street: This is identified as having some high historic environmental value and that new development is likely to have a significant impact on the landscape. Furthermore a ransom strip between the end of Crabtree Road and the site is noted. It is also noted that the site is at risk of flooding.
- Cattle Market Site: I note the source for this is the 2001 Capacity Study rather than any response by the owners to the Call for Sites. I have updated the position with the owners who reaffirmed that they have made no representations to the local authority seeking its allocation for housing. The fact that the SHLAA identifies that the timescale for release of this development within 1 to 5 years is therefore wholly unrealistic. The relocation of the Cattle Market is identified as a constraint. To summarise the site is not available for the medical centre.
- Land to the North of Headbrook: Again landscape is regarded as being of high sensitivity and also of high historic environmental value. It is noted on the SHLAA document that the timeframe for delivery is 16 to 20 years which plainly would not meet the immediate needs of the medical practice.'

OFFICER COMMENTS

With regards to the information submitted in relation to the alternative sites, this demonstrates further that the information submitted with the application is not sufficiently robust for the Local Planning Authority to be assured that the alternative have been fully explored, especially during this economic climate, that has had an affect on land values. The Planning Officers have not been involved in this process on all but two of the identified sites.

NO CHANGE TO RECOMMENDATION

8 DMSE/100298/O - Light industrial units B1 use at Land opposite Cattle Market, Netherton Road, Ross on Wye, Herefordshire, HR9 7QQ.

For: Mr T Barnett per Mr M.F. Freeman, Ruardean Works Varnister Road, Near Drybrook, Gloucester, GL17 9BH.

ADDITIONAL REPRESENTATIONS

Following receipt of further highway information, the Highways Agency has withdrawn its objection to this application. In doing so the Highways Agency has said the proposal will not have significant impact on the A40/A449 (T) roundabout.

OFFICER COMMENTS

Given the Highways Agency has withdrawn its holding objection to this proposal, recommended refusal reason 4 is withdrawn.

CHANGE TO RECOMMENDATION

Omit refusal reason 4

9	<p>DMSE/100399/F - Demolition of existing residential property & construction of 14 no. apartments, associated car parking, landscaping and access at Penrice, Walford Road, Ross On Wye, Herefordshire, HR9 5PQ.</p> <p>DMSE/100400/C - Demolition of existing residential property & construction of 14 no. apartments, associated car parking, landscaping and access at Penrice, Walford Road, Ross On Wye, Herefordshire, HR9 5PQ.</p> <p>For: Mr MF Freeman, Ruardean Workshops, Varnister Road, Near Drybrook, Gloucestershire, GL17 9BH.</p>
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ADDITIONAL REPRESENTATIONS

One further letter of representation has been received. Specific comments relate to the position of the communal bin store and proposed external lighting to serve the car park.

AMENDED PLANS

The published recommendation is conditional upon the receipt of amended plans that overcome the stated concerns regarding overlooking and loss of privacy. Amended plans have subsequently been received and form part of the presentation to Members. Officers consider that these plans address the outstanding issue by omitting those balconies in closest proximity to the neighbour to the immediate north and are carrying out an additional consultation with the affected neighbour.

An addendum to the submitted Daylight and Sunlight assessment has also been received. This concludes that the available daylight and sunlight to Westwood would, after development, remain at acceptable levels.

OFFICER COMMENTS

In response to the additional representation it is recommended that conditions relating to external lighting and the position of bin store be added to the recommendation.

A change to the wording of the recommendation is also necessary to reflect the receipt of amended plans.

CHANGE TO RECOMMENDATION

Subject to the additional consultation period raising no new material planning issues, officers named in the scheme of delegation be authorised to grant planning permission subject to the conditions outlined in the report, conditions I33 (external lighting) and I42 (scheme for refuse storage) and any other conditions considered necessary by officers.

10	<p>DMSW/100072/F - Landscape development and change of use of existing fields for educational use at Hereford Waldorf School, Much Dewchurch, Hereford, HR2 8DL.</p> <p>For: Steiner Academy per Mr J Renshaw, 86 Constitution Street, Leith, Edinburgh, EH6 6RP.</p>
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ADDITIONAL REPRESENTATIONS

Revised plans (drawing no. 203.3.13a) seeking to address concerns raised specifically by the Traffic Manager and the Conservation Manager (Landscapes & Biodiversity) have received further comment.

With regard to the amendments to the access, parking and circulation area and the proposed enhancement of the bus lay-by facilities on the B4348, the Traffic Manager has raised no objection. He is now satisfied with the proposal, subject to conditions securing details of the provision and retention of the access and parking areas, detailed design and approval of the proposed cycle shelter and enhanced bus lay-by facilities and cycle way.

The Conservation Manager advises that the revised plan represents an acceptable compromise. The removal of a number of the teaching structures and other inappropriate landscape features from South Field, Lower Field and Dewchurch Meadow is welcomed and the proposed planting will ultimately provide appropriate native species screening to the site and enhance the existing landscape and biodiversity value of the site.

An appraisal of the proposed “living soakaway” drainage system prepared on behalf of the Much Dewchurch Society was received on 11 May. The detailed report concludes that there are inherent problems with the use of the soil itself to break down the sewage effluent and the use of coppice planting as opposed to a reed bed system could act to channel treated effluent to ground water and Wormbrook. The report concludes by recommending the use of a more contained reed bed system located at a higher level or reverting to a conventional sewage treatment plant.

OFFICER COMMENTS

The revised plans have been the subject of detailed consideration with the Traffic Manager and Conservation Manager and result in the removal of a number of the detailed concerns raised in response to the original submission.

With regard to the submission of the drainage appraisal, attempts have been made to secure a response to the findings from the applicant. A verbal update will be provided if possible.

In the event that it is not, Members are advised that the Environment Agency have issued a Consent to Discharge based upon the design solution submitted and the Councils Building Control Manager raises no objection to the scheme.

CHANGE TO RECOMMENDATION

Having received amended plans, the recommendation is now one of conditional approval.

Additional non-standard condition to secure the approval of the design, specification and retention of the parking and turning, bus lay-by, cycleway and cycle store.

In addition to proposed condition 13 (foul drainage) it is recommended that the standard condition I20 (scheme of surface water drainage) is included.

13 DMNE/092736/F - Proposed conversion of redundant Mill to form live/work unit at Hazle Mill, Hazle Farm, Dymock Road, Ledbury, Hereford, HR1 4JQ

For: Mr Lewis per Nigel Teale, Bramble Farm, Naunton, Nr. Upton-Upon-Severn, Worcestershire, WR8 0PZ

ADDITIONAL REPRESENTATIONS

OFFICER COMMENTS

There is an error in Section 1.1. The first sentence should read as follows:-

“This application was reported to the meeting on 14 April 2010 when the Committee were minded to approve the application contrary to the recommendation.”

