

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 30 June 2010 at 10.00 am**

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

**Councillors:** PA Andrews, ACR Chappell, PGH Cutter, KS Guthrie,  
JW Hope MBE, B Hunt, RC Hunt, G Lucas, PJ McCaull, JE Pemberton,  
WJ Walling, PJ Watts and JD Woodward

**1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN**

Members noted the re-election of Councillor TW Hunt and the re-appointment of Councillor RV Stockton as Chairman and Vice-Chairman of the Planning Committee.

**2. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors GFM Dawe, DW Greenow, RI Matthews, AP Taylor and DC Taylor.

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

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

**4. DECLARATIONS OF INTEREST**

No declarations of interest were made.

**5. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 12 May 2010 be approved as a correct record and signed by the Chairman.

**6. APPEALS**

The Committee noted the appeal in respect of B&M Home stores. Concern was expressed in respect of other stores who may be in breach of their planning conditions. The Assistant Director – Environment, Planning and Waste advised that it was important for the Council to take enforcement action in respect of B&M Home stores in order to protect the integrity of the town centre. He added that the Inspector had recognised the stance taken by the Council but felt that impact on the town centre was minimal and therefore quashed the enforcement notice.

The Assistant Director went on to advise the Committee in respect of the new enforcement team and ensured Members that they would take the necessary action in order to safeguard the retail vitality of the city centre.

**RESOLVED**

**That the appeal report be noted.**

## **7. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman introduced all of the Officers present at the meeting.

It was noted that the previous meeting had been cancelled due to a lack of business and that a training session had taken place instead. The Chairman thanked members for their attendance and noted the positive feedback received in respect of the quality of the training session. He added that a future training session had been planned to cover planning enforcement.

## **8. DMSE1004200 - LAND ADJACENT TO ALTON BUSINESS PARK, ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND**

*Erection of a 60 bed (maximum) care home for the elderly.*

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. He also reported the receipt of a further 16 letters of support which were received after the update sheet had been produced.

In accordance with the criteria for public speaking, Mr Sneddon, the applicant's agent, spoke in support of the application.

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 which had been raised by Councillor AE Gray, the other local ward member, these included:

- The site would have to be registered and regulated by the Care Quality Commission.
- The Commission for Social Care Inspection felt that there were too many care homes within Herefordshire and recommended a move towards care within the community.
- Would a care home in an industrial area be appropriate?
- The loss of employment land would be a concern within Ross-on-Wye.
- The concerns raised by the traffic manager were echoed.

He went on to comment on further issues, including:

- The applicant stated in a recent letter that 'Activity generated by the road and office block would create interest for the residents', this statement was disputed.
- The applicants were well regarded within Ross-on-Wye and they had generated a number of new jobs through previous applications, however the current application was not suitable.
- The Southern Area Planning Committee had approved permission for 3 retail units on the site.
- Planting offered in a previous application had still not taken place.
- 6a Alton Road had stated that the noise emanating from their development exceeded levels stated in the applicant's noise report.
- It was imperative that comments were received from the adult social care team before any decision was made.
- The application should be deferred until the comments from the adult social care team were received.

Members discussed the application and noted that both local and national policies had seen a move to care for people in their own homes. They also noted that the 8 care homes in the area offered a total of 232 beds with only 57 of these purchased by the Council. It was also noted that this number was unlikely to increase.

In response to a question, the Head of Development Management advised Members that the social care team had been consulted but that no response had been received.

Councillor Cutter was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated the issues raised in his opening statement.

## **RESOLVED**

**That determination of the application be deferred pending consultation with the adult social care team.**

### **9. DMCW0929320 - LAND AT FARADAY ROAD, HEREFORD, HR4 9NZ**

*Outline planning permission for the construction of a Total Care facility to include 100 Assisted Living Units (Use Class C2 and C3).*

The Northern Team Leader gave a presentation on the application as well as thorough details of the planning and appeal history of the site. Details of the updates / additional representations received following the publication of the agenda were also provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr Downes, the applicant's agent, spoke in support of the application.

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

- The application was very similar to the Rose Gardens site which had been extremely popular.
- The application site had been empty for 20 years with no industrial usage coming forward during that time.
- Extra industrial land had now become available at the Holmer and Three Elms trading estates.
- The affordable living units were welcomed.
- Concern was raised in respect of the limited car parking proposed on the site.
- Allocation of units should be assessed in order to give local residents first opportunity.

The Northern Team Leader advised Members that the allocation of the dwellings had been discussed with the Housing Manager and that the Section 106 agreement would be amended in order to give higher priority to local residents.

The Committee felt that the provision of smaller residential units would release a number of larger homes for sale on the open market. They noted that the application offered a total care package allowing the level of care offered to increase over a period of time. The creation of up to 140 jobs was welcomed, members felt that this helped to alleviate concerns regarding the loss of industrial use land.

In response to points raised by the Committee, the Northern Team Leader advised that the plan submitted with the application was an indicative layout plan and that all landscaping details would be considered during the full application process.

Councillor Andrews was given the opportunity to close the debate in accordance with the Council's Constitution. She reiterated the issues raised in her opening statement.

## **RESOLVED**

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

- 1 C02 Time limit for submission of reserved matters (outline permission)**
- 2 C03 Time limit for commencement (outline permission)**
- 3 C04 Approval of reserved matters**
- 4 C05 Plans and particulars of reserved matters**
- 5 C12 Section 106 Agreement**
- 6 C74 Staging of development**
- 7 CAD Access gates**
- 8 CAE Vehicular access construction**
- 9 CAL Access, turning area and parking**
- 10 CAP Junction improvement/off site works**
- 11 CAT Wheel washing**
- 12 CA2 Landscape maintenance arrangements**
- 13 CB2 Secure covered cycle parking provision**
- 14 CB3 Travel Plans**
- 15 CCP Sustainable Homes Condition**
- 16 CBK Restriction of hours during construction**
- 17 CBO Scheme of surface water drainage**
- 18 CAP Pedestrian crossing – Grandstand Road**
- 19 CAP Bus shelters**
- 20 CAP Upgrade to Chave Court Close**

## **INFORMATIVES:**

- 1 I05 No drainage to discharge to highway**
- 2 I45 Works within the highway**
- 3 I13 Section 106 Obligation**
- 4 I08 Section 278 Agreement**

**5 I38 Avoidance of doubt – Approved Plans**

**6 I34 Reason(s) for the Grant of PP/LBC/CAC**

**10. STRUCTURE OF PLANNING SERVICES**

The Assistant Director - Planning, Transport and Waste and the Head of Development Management gave a verbal update in respect of the recent changes to the structure of the planning services department.

**11. DATES OF FUTURE MEETINGS**

Members noted the dates for Planning Committee for 2010 – 2011 as amended at full Council on 28 May 2010.

**RESOLVED**

**That the report be noted**

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 11.22 am

**CHAIRMAN**



# PLANNING COMMITTEE - 30 JUNE 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.]

**8 DMCW/092932/O - Outline planning permission for the construction of a total care facility to include 100 assisted living units (Use Class C2 and C3) at Land at Faraday Road, Hereford, HR4 9NZ**

**For: Bovale Limited per Miss Claire Osborn, Harris Lamb Ltd., 75 - 76 Francis Road, Edgbaston, Birmingham, West Midlands, B16 8SP**

### ADDITIONAL REPRESENTATIONS

Economic Development Manager has revised his figures for available employment land which increase land north of the river from 1.92 to nearly 4 hectares and this does not take into account land at Holmer Trading Estate or Legion Way.

### OFFICER COMMENTS

Heads of Terms

Confirmation has now been received that the highway improvements listed in the Heads of Term can now be included as appropriate conditions and this element can be deleted from the Heads of Terms. The same applies to the waste strategy and demolition of the toilets which can also be added as a condition.

Finally I can confirm that the agents have agreed, in principle, the revised Heads of Terms covering the 35% affordable housing, POS and Recreation elements amounting to approx. £15275 and £32,240 subject to further negotiations.

### NO CHANGE TO RECOMMENDATION

**9 DMSE/100420/O - Erection of a 60 bed (maximum) care home for the elderly at Land adjacent to Alton Business Park, Alton Road, Ross on Wye, Herefordshire, HR9 5ND**

**For: Mr Egan per Mr John Sneddon, Eclipse Office, Park High Street, Staple Hill, Bristol, BS16 5EL**

### ADDITIONAL REPRESENTATIONS

Letters of support from:

Mr T Egan, 58 Woolpitch Wood, Chepstow  
A Rolfe, The Poppies, 12 Tudor Walk, Berry Hill, Coleford  
S Rees, 2 Old Bell House, School Lane, Ruerdean  
Mrs B Ennis, The Conifers, Old Road, Coalway, Coleford.

In summary it is said:

- It will provide a much needed local service.
- The approval will provide immediate employment for the employees of MF Freeman and sub contractors.
- The development when complete will provide 48 jobs + for the local community.
- The Carehome provides a valuable facility needed by the local community as the population is living longer.

Further comments from the Economic Regeneration Manager have been received:

“It is considered that the issue is one of a residential use on an employment site that would be surrounded on three sides by B class use development, and the potential adverse impact that this residential care home (Use Class C2) could have on the full utilization and operation of the surrounding employment sites over time. In particular, complaints of disturbance from care home residents needing peace and quiet. Nearby residential development is currently separated by a distributor road and merely faces the employment site.

The accompanying Environmental Noise Assessment indicates that the noise measurements were taken in the area of the proposed car park at the front of the site. The report states that based on noise measurements, the site falls into Category B (as set out in PPG 24), where noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection against noise. In the report, it is recommended that attenuated glazing be applied to all facades of the building along with a 2 metre high acoustic fence to the side and rear of the building. As the attached aerial photograph clearly shows, this is not the right place for the proposed residential use.

Great play is made of an earlier retail planning permission on the site, but it is believed that a retail use would more acceptable in land use terms with the surrounding B class use development.

Accordingly, from an economic development aspect, we still object to the above proposal for the reasons set out above.”

## **OFFICER COMMENTS**

Unfortunately, the comments of The Economic Regeneration Manager do not take into account the planning permission for the use of this site as a retail warehouse (a use that does not fall within Use Class B of the Town and Country Planning (Use Classes) (Amendment) Order 2010), which is a material consideration in the determination of this application. When commenting on the application for the retail warehouse the Economic Regeneration Officer said “While the proposal will lead to a small net loss of employment land to bulky retail goods it should not have a material impact on the overall supply of available land in Ross.”

## **NO CHANGE TO RECOMMENDATION**