

AGENDA

Planning Committee

Date: **Wednesday 30 June 2010**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor TW Hunt
Vice-Chairman	Councillor RV Stockton
	Councillor ACR Chappell
	Councillor PGH Cutter
	Councillor H Davies
	Councillor GFM Dawe
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor JW Hope MBE
	Councillor B Hunt
	Councillor RC Hunt
	Councillor G Lucas
	Councillor RI Matthews
	Councillor JE Pemberton
	Councillor AP Taylor
	Councillor DC Taylor
	Councillor WJ Walling
	Councillor PJ Watts
	Councillor JD Woodward

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The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

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AGENDA

	Pages
1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN	
To note that at the meeting of Council on 28th May 2010, Councillor TW Hunt was re-elected as Chairman and Councillor RV Stockton was re-appointed as Vice-Chairman of the Committee.	
2. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
3. NAMED SUBSTITUTES (IF ANY)	
To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
4. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
5. MINUTES	1 - 14
To approve and sign the Minutes of the meeting held on 12 May 2010.	
6. APPEALS	15 - 26
To be noted.	
7. CHAIRMAN'S ANNOUNCEMENTS	
To receive any announcements from the Chairman.	
8. DMCW0929320 - LAND AT FARADAY ROAD, HEREFORD, HR4 9NZ	27 - 38
Outline planning permission for the construction of a Total Care facility to include 100 Assisted Living Units (Use Class C2 and C3).	
9. DMSE1004200 - LAND ADJACENT TO ALTON BUSINESS PARK, ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND	39 - 48
Erection of a 60 bed (maximum) care home for the elderly.	
10. STRUCTURE OF PLANNING SERVICES	
To receive a verbal update regarding the recent changes to the structure of the Planning Services department.	
11. DATES OF FUTURE MEETINGS	49 - 50
To note the amended Planning Committee dates.	

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

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

MEETING:	PLANNING COMMITTEE
DATE:	30 JUNE 2010
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMNW /092730/F

- The appeal was received on 3 June 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Bryan & Myra & Stephen Chilman
- The site is located at New House Farm, Kinsham, Presteigne, Herefordshire, LD8 2HN
- The development proposed is Siting of mobile home for use as a temporary agricultural dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr P Mullineux 01432 261808

Application No. DMSW /100190/F

- The appeal was received on 1 June 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr R Chandler
- The site is located at The Granary, Minster Farm, Much Birch, Herefordshire, HR2 8HS
- Revision of application no. DCSW2005/3085/F - to incorporate existing
- lean-to for additional living space.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application No. DMNC /092259/FH

- The appeal was received on 20 May 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Hinton
- The site is located at Orchard Cottage, Stoke Prior, Leominster, Herefordshire, HR6 0LH
- The development proposed is Proposed two storey extension and alterations to an existing dwelling.
- The appeal is to be heard by Householder

Case Officer: Mr A Banks 01432 26383085

Application No. DMNW /092821/F

- The appeal was received on 17 May 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Peter Evans
- The site is located at Kingsland Baptist Chapel, Shirleath, Kingsland, Herefordshire, HR6 9RJ
- The development proposed is Change of use of chapel to workshop with office/admin area above, installation of velux roof lights, raise entrance to drive level.
- The appeal is to be heard by Written Representations

Case Officer: Mr P Mullineux 01432 261808

Application No. EN2010/001118/ZZ

- The appeal was received on 6 May 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by NJ & IE Cockburn
- The site is located at Pennoxstone Court Farm, Kings Caple, Herefordshire, HR1 4TX
- The breach of planning control alleged in this notice is Without planning permission, the erection of polytunnels and tunnel frames covered with bird netting.
- The requirements of the notice are
 - a) Demolish the three netted tunnels
 - b) Demolish the polytunnels
 - c) Demolish the 'French' polytunnel
 - d) Remove any materials that arise from the demolition of the tunnels and polytunnels from the land
- The appeal is to be heard by Hearing

Case Officer: Ed Thomas 01432 260479

Application No. DMNC/091915/F

- The appeal was received on 30 April 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Ian Croll
- The site is located at Hagley House, Upper Ivington, Leominster, Herefordshire, HR6 0JN
- The development proposed is Proposed 2 two storey extension to replace existing.

- The appeal is to be heard by Householder

Case Officer: Mr A Banks on 01432 383085

Application No. DMNC /100096/F

- The appeal was received on 29 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by L.A.R.C.
- The site is located at Opposite Barclays Bank, Broad Street, Leominster, Herefordshire, HR6 8
- The development proposed is Freestanding bronze tactile model of Leominster's Market House.
- The appeal is to be heard by Written Representations

Case Officer: Mr N Banning 01432 383093

Application No. DMNE /091361/F DCNE0009/1639/F

- The appeal was received on 25 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Pedro
- The site is located at Tack Farm Equestrian Centre, Ullingswick, Hereford, Herefordshire, HR1
- The development proposed is Proposed warm up menage, extend existing menage and new site
- The appeal is to be heard by Written Representations

Case Officer: Mr M Tansley 01432 261956

Application No. EN2009/000926/ZZ

- The appeal was received on 26 February 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by B & M Retail Ltd
- The site is located at Unit 1 Salmon Retail Park, Holmer Park, Holmer Road, Hereford, HR4 9SA

The breach of planning control alleged in this notice is:

On the 1st day of December 1993 a planning permission (HC/930262/PF/E) in respect of the land was granted for the erection of 3 retail stores and associated parking. Condition 5 of said permission is being breached as the land and building thereon is being continuously used for the sale of the following categories of goods:

- Food and drink to be consumed off the premises*
- Clothing and footwear*
- Crockery and glassware*
- Watches*
- Toys*
- Medical goods, cosmetics and toiletries*

The requirements of the notice are:

Permanently remove from display and cease the sale and storage on the land of the following categories of goods:

- The sale of food and drink to be consumed off the premises*
- The Clothing and footwear*
- The sale of crockery and glassware*
- The sale of watches*
- The sale of toys*
- The sale of medical goods, cosmetics and toiletries*

The appeal is to be heard by Written Representations

Case Officer: Mr R Pryce on 01432 261957

Application No. EN2010/001074/ZZ

- The appeal was received on 4 March 2010
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mrs Kathryn Mackintosh
- The site is located at The Ancient Camp Inn, Eaton Bishop, Hereford, HR2 9QX
- **The breach of planning control alleged in this notice is:**
Without planning permission, the change of use of a C1 guest house (retaining public bar) to a dwelling house.
- **The requirements of the notice are:**
With the exception of use for access to the kitchen and store, permanently cease residential use of the bar and dining room.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application No. DMSE /093001/FH

- The appeal was received on 9 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs Brandram-Jones
- The site is located at Poulstone Farm, Kings Caple, Herefordshire, HR1 4TZ
- The development proposed is Conversion of existing Victorian wash house to create additional self
- The appeal is to be dealt by Householder procedure

Case Officer: Mr D Thomas on 01432 261974

Application No. DMNE/092242/A

- The appeal was received on 12 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against refusal of Advertisement Consent
- The appeal is brought by Primesight Ltd
- The site is located at Newtown Cross Garage, Lower Eggleton, Ledbury, Herefordshire, HR8 2TZ
- The development proposed is Erection of one internally illuminated free standing double sided
- The appeal is to be heard by Written Representations

Case Officer: Mr R Close on 01432 261803

Application No. DMSE/093173/F

- The appeal was received on 15 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr D Tabernacle
- The site is located at Laycombe, Archenfield Road, Ross-on-Wye, Herefordshire, HR9 5AY
- The development proposed is Erection of detached bungalow, alterations to vehicular access and associated works
- The appeal is to be heard by Written Representations

Case Officer: Mr E Thomas on 01432 260479

Application No. DMCW/092179/F

Further information on the subject of this report is available from the relevant case officer

- The appeal was received on 22 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs S Smith
- The site is located at Levante, Belle Bank Avenue, Holmer, Herefordshire, HR4 9RL
- The development proposed is Construction of new detached two storey house with additional single
- The appeal is to be heard by Written Representations

Case Officer: Mr P Clasby on 01432 261947

Application No. DCSE0009/1687/F

- The appeal was received on 24 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr G Williams and Family
- The site is located at Rock View, Goodrich, Ross-On-Wye, Herefordshire, HR9 6JG
- The development proposed is Proposed new access off B4229, private drive and parking/turning area.
- The appeal is to be heard by Written Representations

Case Officer: Mrs C Atkins on 01432 260536

Application No. DMCE /091219/F DCCE0009/1444/F

- The appeal was received on 25 March 2010
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs P E Oseman
- The site is located at Land Off Canal Road, Hereford, Herefordshire, HR1 2EA
- The development proposed is Erection of 17 flats with associated landscaping and parking.
- The appeal is to be heard by Written Representations

Case Officer: Mr R Pryce

APPEALS DETERMINED

Application No. DMNC/092239/F

- The appeal was received on 19 February 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Juro Antiques
- The site is located at Moor Court, Bromyard Road, Whitbourne, Worcestershire, WR6 5SF
- The application dated 17 September 2009 was refused on 26 January 2010
- The development proposed was Change of use from light industrial (B1) unit to live/work units
- The main issue is whether the appeal scheme for live/work units accords with the policies of the development plan and national planning policy and if not whether there are any exceptional circumstances which would outweigh those considerations

Decision: The planning application was refused under Delegated powers on 26 January 2010
The appeal was Dismissed on 28 May 2010

Case Officer: Mr N Banning 01432 383093

Application No. DCNE0009/1078/F Appeal A

Further information on the subject of this report is available from the relevant case officer

- The appeal was received on 22 February 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr David Gray
- The site is located at Coachmans Cottage, Jubilee Drive, Upper Colwall, Malvern, Herefo, WR13
- The application dated 20th April 2009, was refused on 12 August 2009
- The development proposed was Extension to provide kitchen on ground floor. Bedroom on first and removal of existing additions
- The main issues are the effects of the proposed development, i) in appeals A & B on the special character of the listed building and the loss of original fabric; and ii) in Appeal A on the character or appearance of the designated Area of Outstanding Natural Beauty

Decision: The application was Refused under Delegated Powers on 12 August 2009
The appeal was Dismissed on 9 June 2010

Case Officer: Mr R Close 01432 261803

Application No. DCNE0009/1079/L Appeal B

- The appeal was received on 22 February 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr David Gray
- The site is located at Coachmans Cottage, Jubilee Drive, Upper Colwall, Malvern, Herefo, WR13
- The application dated 20 April 2009 was refused on 12 August 2009
- The development proposed was Extension to provide ground floor kitchen and first floor bedroom and removal of existing additions
- The main issues are the effects of the proposed development, i) in appeals A & B on the special character of the listed building and the loss of original fabric; and ii) in Appeal A on the character or appearance of the designated Area of Outstanding Natural Beauty

Decision: The application was Refused under Delegated Powers on 12 August 2009
The appeal was Dismissed on 9 June 2010

Case Officer: Mr R Close 01432 261803

Application No. DMNC/091915/F

- The appeal was received on 30 April 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Ian Croll
- The site is located at Hagley House, Upper Ivington, Leominster, Herefordshire, HR6 0JN
- The application dated 9 August 2009 was refused on 26 November 2009
- The development proposed was Proposed 2 two storey extension to replace existing.
- The main issue is the effect of the proposed development on the character of the existing dwelling in its surroundings

Decision: The application was Refused under Delegated Powers on 26 November 2009
The appeal was Dismissed on 11 June 2010.

Case Officer: Mr A Banks 01432 383085

Application No. DMNE /091996/FH

- The appeal was received on 7 April 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Paddy Downton
- The site is located at Studio House, The Purlieu, Malvern, Herefordshire, WR14 4DJ
- The application dated 18 August 2009 was refused on 2 March 2010
- The development proposed was Extension to dwelling, construction of swimming pool, carport, Replace existing conservatory with new timber and brick conservatory
- The main issue is the effect of the appeal scheme on the character and appearance of the host dwelling and the locality including the Malvern Hills Area of Outstanding Natural Beauty(AONB) within which the site is located

Decision: The application was Refused under Delegated Powers on 2 March 2010
The appeal was Allowed on 25 May 2010.

Case Officer: Mr R Close 01432 261803

Application No. EN2009/000926/ZZ

- The appeal was received on 26 February 2010
 - The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
 - The appeal is brought by B & M Retail Ltd
 - The site is located at Unit 1 Salmon Retail Park, Holmer Park, Holmer Road, Hereford, HR4 9SA
- The breach of planning control alleged in this notice:

On the 1st day of December 1993 a planning permission (HC/930262/PF/E) in respect of the land was granted for the erection of 3 retail stores and associated parking. Condition 5 of said permission is being breached as the land and building thereon is being continuously used for the sale of the following categories of goods:-

- f) Food and drink to be consumed off the premises
- g) Clothing and footwear
- h) Crockery and glassware
- i) Watches
- j) Toys
- f) Medical goods, cosmetics and toiletries

The requirements of the notice are: Permanently remove from display and cease the sale and storage on the land of the following categories of goods

- a) The sale of food and drink to be consumed off the premises
 - b) The Clothing and footwear
 - c) The sale of crockery and glassware
 - d) The sale of watches
 - e) The sale of toys
 - f) The sale of medical goods, cosmetics and toiletries
- The main issues are a) the effect of the proposals on the viability and vitality on Hereford's central shopping area and proposed expansion, and whether a sequentially more preferable site would be available within a reasonable period of time
 - The appeal is allowed and the Enforcement notice quashed on 21 May 2010

Case Officer: Russell Pryce 01432 261957

Application No DCSW2009/0715/F

- The appeal was received on 23 November 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by John Kendrick Ltd
- The site is located at High House, St Owens Cross, Herefordshire, HR2 8LG
- The application dated 22 March 2009 was refused on 18 June 2009
- The development proposed was Removal of condition 4 of DCSW2007/0708/F - This permission shall ensure for the benefit of Mr J Kendrick only and not for the benefit of the land or any other persons interested in the land. This is also given the means of access
- The main issues are 1) whether the condition is necessary in the interests of preventing an unsustainable pattern of development; 2) whether the condition is necessary in the interests of the living conditions of neighbouring residents; 3) whether the condition is necessary in the interests of highway safety; and 4) whether the condition is reasonable or necessary taking into account the tests and advice within Circular 11/95 with particular reference to paragraphs 92-95

Decision: The Planning Application was refused under Delegated Powers on 18th June 2009
The appeal was allowed on 17 May 2010.
An application for the award of Costs made by the Appellant against the Council was allowed.

Case Officer: Mr A Prior 01432 261932

Application No. DMSW/092229/O

- The appeal was received on 21 January 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Davies
- The site is located at The Chalice, The Thorn, Kingsthorpe, Hereford, HR2 8AW
- The application dated 17 September 2009 was refused on 12 November 2009
- The development proposed was Site for the erection of a detached dwelling with ancillary works
- The main issues are a) the impact on the character and appearance of the site and the surrounding area; b) the implications for the living conditions of prospective residents at the site and neighbouring residents with particular regard to outlook, privacy, overlooking, overshadowing, noise and disturbance c) the effect on highway safety of the proposed vehicular access arrangements; and d) whether a contribution should be made to the provision of off-site infrastructure.

Decision: The application was refused under Delegated Powers on 12 November 2009
The appeal was Dismissed on 28 April 2010

Case Officer: Mrs A Tyler on 01432 260372

Application No. DMSW/092228/F

- The appeal was received on 15 January 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Greenway
- The site is located at Land at Wernagavenny, Michaelchurch Escley, Hereford, HR2 0PU
- The application dated 17th September 2009, was refused on 12 November 2009
- The development proposed was Erection of holiday chalet (removal of two static mobile homes) with ancillary works for use as rural tourism to support existing farm business

- The main issues are whether the proposal accords with national and local planning policies which govern new tourist development within the open countryside and the effect of the proposed chalet on the character and appearance of the local area.

Decision: The application was refused under Delegated Powers on 12 November 2009
The appeal was Dismissed on 29 April 2010

Case Officer: Mr A Prior on 01432 261932

Application No. DMNW/091071/F

- The appeal was received on 21 December 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Midwood
- The site is located at Brick Barn, Burrington, Ludlow
- The application dated 14 April 2009 was refused on 24 June 2009
- The development proposed was Conversion of redundant agricultural building to from one house.
- The main issue is the effect of the proposal on the character and appearance of the local area and whether it is acceptable in light of national and local planning policies relating to sustainable development.

Decision: The application was refused under Delegated Powers on 24 June 2009
The appeal was Allowed on 29 April 2010

Case Officer: Mr P Mullineux on 01432 261808

Application No. DCNC0009/1759/F

- The appeal was received on 12 January 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr P Lewis
- The site is located at Box Cottage, Little Cowarne, Bromyard, HR7 4RQ
- The application dated 6 August 2009 was refused on 15 October 2009
- The development proposed was Proposed house extension by replacement of existing hay barn.
- The main issues are:
 - Whether the proposed development would accord in principle with the development plan and national policy.*
 - Its effect on the character and appearance of its surroundings.*
 - Whether there are other material considerations that weigh in favour of the scheme.*

Decision: The application was Refused under Delegated Powers on 15 October 2009.
The appeal was Allowed on 3 March 2010.

Case Officer: Mr A Banks on 01432 383085

Application No. DCSE0009/1208/F

- The appeal was received on 2 December 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by E R & R E P Vines
- The site is located at Upper Foxhall, Phocle Green, Ross-On-Wye, Herefordshire, HR9 7TN
- The application dated 28 May 2009 was refused on 15 July 2009
- The development proposed was Conversion of and alterations to redundant period barn to create one residential dwelling

Further information on the subject of this report is available from the relevant case officer

- The main issues are:
 - Whether the proposed development complies with policies regarding the conversion of agricultural buildings to residential use in the open countryside*
 - The effect of the proposal on the character and appearance of the existing building*

Decision: The Planning Application was refused under Delegated Powers on 15 July 2009
The appeal was Dismissed on 10 March 2010

Case Officer: Mrs C Atkins on 01432 260536

Application No. DCNC0009/1058/F

- The appeal was received on 26 November 2009
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Russell Stevens
- The site is located at Brockington Golf Club, Bodenham, Hereford, Herefordshire, HR1 3HX
- The application dated 9 March 2009 was refused on 7 July 2009
- The development proposed was Proposed groundsman's store and living accommodation.
- The main issues are:
 - The effect of the proposal on the character and appearance of the area having regard to local policies and national guidance*
 - Whether there is an over-riding need for the store with independent living accommodation above*

Decision: The planning application was refused under Delegated Powers on 7 July 2009
The appeal was Dismissed on 17 March 2010.

Case Officer: Mr N Banning on 01432 383093

Application No. DCCW0009/1790/F

- The appeal was received on 1 February 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Paul Mammatt
- The site is located at 129 Kings Court, Kings Acre Road, Hereford, Herefordshire, HR4 0SP
- The application dated 4 July 2009 was refused on 9 October 2009
- The development proposed was Construction of balcony with patio doors.
- The main issue is the effect of the proposal on the living conditions of the occupiers of a neighbouring property in terms of overlooking leading to possible loss of privacy, outlook and noise

Decision: The Planning Application was Refused under Delegated Powers on 4 July 2009.
The appeal was Dismissed on 18 March 2010.

Case Officer: Mr P Clasby on 01432 261947

Application No. DMNC/092074/FH

- The appeal was received on 5 February 2010
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Huckerby
- The site is located at Churchlands, Tedstone Delamere, Herefordshire, HR7 4PR
- The application dated 27 November 2009 was refused on 27 November 2009
- The development proposed was Demolition of pole barn and erection of garage and tractor store.

- The main issue is the effect of the proposal on the character and appearance of the area.

Decision: The Application was Refused under Delegated Powers on 27 November 2009
The appeal was Dismissed on 19 March 2010

Case Officer: Mr A Banks on 01432 383085

Application No. EN2009/0072/ZZ

- The appeal was received on 16 October 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr & Mrs Grundy
- The site is located at Little Trewen Farm, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6ER

The breach of planning control alleged in this notice is:

Without planning permission the unauthorised change of use of building from agriculture to a mixed use of agriculture and B8 storage and distribution.

The requirements of the notice are:

- i) *Permanently cease use of the building for secure storage and remove all storage crates from the building*
 - ii) *Permanently cease use of the land around the building for parking of lorries associated with the removal/storage business and remove any containers or crates associated with the business from the land*
- The main issues are the effect of the proposal on the local road network; whether the site is in a sustainable location for the development given local policy and national guidance; and whether such factors are outweighed by the employment prospects associated with the development.

Decision: The appeal is Dismissed and the Enforcement Notice upheld (with a variation on the period for compliance, and refusal to grant planning permission on the deemed application) on 23 March 2010

Case Officer: Mrs Y Coleman on 01432 383083

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	30 JUNE 2010
TITLE OF REPORT:	<p>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</p> <p>For: Bovale Limited per Miss Claire Osborn, Harris Lamb Ltd., 75 - 76 Francis Road, Edgbaston, Birmingham, West Midlands, B16 8SP</p>

Date Received: 17 November 2009 Ward: Three Elms Grid Ref: 350422,240965

Expiry Date: 1 July 2010

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

1. Site Description and Proposal

- 1.1 The site comprises a 1.74 ha area of flat, cleared land (save for an electricity sub-station), formerly part of the Sun Valley Poultry processing plant which adjoins the site to the west. To the north lies part of the Westfields Industrial Trading Estate and a residential cul-de-sac (Armada Close). To the east (beyond Chave Court Close) lies an area of open space known as Widemarsh Common, whilst to the south is a small area of residential and other mixed buildings, generally of two and three storeys. This area together with Widemarsh Common (and an older residential area to its north-west) forms a Conservation Area. The city centre lies about 1.5 km to the south-east.
- 1.2 The proposal comprises an outline planning application for the construction of a Total Care facility to include nursing home (51 beds), retirement home (59 bed) and 100 assisted living units. The application seeks permission for the principle of development, access, layout and scale. Appearance and landscaping are reserved for approval at a later date.
- 1.3 The main access would be off Faraday Road to the north with a secondary access off Chave Court Close to the south. Pedestrian routes through to Widemarsh Common, Grandstand Road and Faraday Road are proposed.
- 1.4 The layout will focus on developing dual aspect buildings around the perimeter of the site with a central green area. The scale of the units are generally three storey articulated blocks with an element of four storey to create additional relief. External materials are brick and render under a tiled roof as identified on the submitted plans. 113 car parking and 18 disabled parking spaces are included within the layout. Of the 100 assisted living units 35% will be affordable.

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

1.5 Members will recall that a previous planning application was refused for an identical proposal and appeal dismissed in 2007.

2. Policies

2.1 National:

PPS1	-	Delivering Sustainable Development
PPS3	-	Housing
PPS 4	-	Planning and Sustainable Economic Growth
PPS5	-	Planning for the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPS23	-	Planning and Pollution Control
PPS25	-	Development and Flood Risk
PPG13	-	Transport

No references are made to the Regional Spatial Strategy given the Communities and Local Government Secretary, Eric Pickles' confirmation that they no longer carry any weight in terms of planning decisions.

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR5	-	Planning Obligations
DR9	-	Air Quality
S4	-	Employment Land
E5	-	Safeguarding Employment Land and Buildings
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H9	-	Affordable Housing
CF7	-	Residential Nursing and Care Homes
NC1	-	Biodiversity and Development
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement

3. Planning History

3.1 DCCW/2006/1780/F Development to provide Total Care Village for the elderly – Use Class C2 residential institution and associated infrastructure. Refused 7 August 2006. Appeal Dismissed.

3.2 Prior to the above planning application the site was occupied as part of the chicken and turkey processing facility by Sun Valley Poultry (now Cargill Meats). However, a devastating fire raised the building to the ground in 1992 and the site has remained largely undeveloped since that time.

4. Consultation Summary

4.1 Environment Agency: Raise no objections relating to flood risk and pollution.

- 4.2 Welsh Water: Raise no objection subject to appropriate condition relating to foul and surface water drainage.

Internal Advice

- 4.3 Traffic Manager: Raises no objections relating to the access points but express concern regarding the limited parking provided. In addition the following are considered to be key requirements:

- (i) A signalised pedestrian crossing on Grandstand Road.
- (ii) Bus shelter provision on inbound and outbound routes.
- (iii) Upgrading Chave Court Close to adoptable standards.

- 4.4 Housing Needs and Development Manager: Strategic Housing supports the application to provide 100 units of which 35% equating to 35 units would be provided as affordable dwellings. These units are required to be built to Housing Corporation Design & Quality Standards (standard adopted by the Homes & Communities Agency) and a minimum Code Level 3 for sustainable homes for any Housing Association to place a bid for funding from the Homes & Communities Agency.

Following discussions with the Agent it was agreed that all of the affordable dwellings would be for social rent and occupied by persons aged 55 and over, these units will be subject to a S106 and allocated through Home Point to local people in housing need.

- 4.5 Head of Environmental Head and Trading Standards: I understand that the Council tried, and failed, to defend an objection on the basis of potential noise and odour problems originating from Sun Valley.

Without the support of the Environment Agency, this position is untenable. The EA now deal with the permit for the site and field all complaints. They can advise on the complaint level and enforcement regime.

I have visited the site. I took a few noise measurements and I am satisfied that for the purposes of PPG24 the site falls within noise exposure category A. I therefore withdraw my request for a noise survey.

- 4.6 Property Operations Manager: Agree to the demolition of the closed public toilets on Widemarsh Common.

- 4.7 Planning Policy Manager:

Residential development or economic development

The applicant states that the application has an employment generating use and if this is to be assessed, then PPS4 should be examined. PPS4 sets out the Government's planning policies for economic development and incorporates a wider category of business use outside of the traditional B Use Class. Whether or not this proposal can be seen to be economic development depends on PPS4 Para 4-8.

The application meets the initial assessment at paragraph 4 criterion 1 by providing employment opportunities. However, it fails with criterion 5 as it states 'these policies do not apply to housing development. As this application is for a total care village in Use Class C2 (residential institution) and the purpose of the facility is housing for the elderly then the requirements of PPS4 have not been met and therefore it cannot be assessed under economic development policies.

Loss of employment land

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

The residential proposal is on an area of land which is Safeguarded Employment land in the Adopted UDP under policy E5 and therefore this proposal is contrary to policy. There are no specific targets set out in the UDP for acceptable amounts of employment land that can or cannot be lost to other uses, however, it is recognised that it is important that both the existing and proposed supply of land and buildings for employment uses is protected for such purposes if the UDP is to successfully maintain and enhance employment opportunities throughout the County.

The recent *Herefordshire Employment Land Study (October 2009)* forms part of the evidence base for the Core Strategy and it refers to the employment land situation in Hereford. Para 9.72 of the study states that outside of the Rotherwas Industrial Estate, more centrally located employment opportunities in the County Town sub area assessed as part of this study are limited in number and in certain cases, quality. Faraday Road which forms part of the Westfields Trading Estate has been assessed as a good employment site. It was recommended that sites that were rated 'poor' and 'moderate' in the study should be reviewed and employment sites ranked as 'good' and 'best' should be retained. The Employment Land Study is emerging evidence and is a material consideration in this application. Similarly the employment position in Hereford continues to be constrained with a limited supply of readily available land with most developers preferring sites to the north of the river. This emphasises the importance of Faraday Road not only as an employment resource that is an alternative to Rotherwas but as a good piece of employment land.

Summary

On the basis of the points raised above the application is contrary to policy E5 of the Adopted UDP as the land is intended for employment development. For clarity on previous issues with this site, a consultation with Environmental Health should be sought.

4.8 Economic Development Manager: Comments:

As previously, the application site still remains clearly allocated as Safeguarded Employment Land and is well located next to an established and thriving industrial estate, where some recent infill has taken place. The site itself does not suffer from any constraints and has good access into the industrial estate and, from there, onto the A49 and the Trunk road network.

Because there is only one bridging point to modern highway standards, it is considered that from an employment land perspective, the city is divided into north and south of the river. It is likely that this will remain the situation until a second modern city bridging point is in operation.

Since the previous planning refusal, planning permission has been granted on appeal for the redevelopment of the Holmer Trading Estate for a mixed use development and the reinstatement of a former canal link. The estate provided in the main, poor quality employment accommodation. However, the new scheme will re-provide the same amount of Planning Use Class B floor space as previously, in new accommodation to modern standards.

Whilst from a quantitative perspective there may be enough land and/or premises in Hereford City to accommodate the vast majority of Edgar Street Grid businesses relocating from the line of the proposed Link Road and Livestock Market. The majority of businesses have expressed a strong desire to stay north of the river and even here, not all have identified guaranteed relocation sites.

There is also a qualitative dimension that has not been fully addressed, around issues such as appropriate locations, sizes, ownerships, rents and building quality. Well located and unconstrained developable employment land such as Faraday Road could go some way in overcoming these. But land is still scarce in the north of the city, particularly for those with larger space requirements, and it is for this reason that it is considered that this particular site should continue to be safeguarded for Planning Use Class B and other appropriate sui generis uses, despite current marketing and pricing issues.

Further information on the subject of this report is available from Mr K Bishop on 01432 260756

South of the river, the situation has recently improved as the Council has been able to come to a strategic solution for the flooding issues identified by the Environment Agency, although provision of services on some sites may still act as a short term constraint.

We believe that the current allocated employment land provision is as follows:

Available at present - 1.92 hectares

South of the river

Available at present - 11.87 hectares

[Available in the shorter term - 9.6 hectares]

[Available in the longer term - 8.28 hectares]

We accordingly object to this planning application on the basis of loss of employment land north of the river.

4.9 Adult Social Care: Awaited.

5. Representations

5.1 Hereford City Council: The City Council has no objection to this application provided that 35% of the units are affordable. It is noted that this development is on land designated for employment but that this will be compensated for by development of the Three Elms Trading Estate.

5.2 One letter of objection has been received from Pinsent Masons, 3 Colmore Circus, Birmingham acting for Cargill Meats. The main points raised are:-

1. The proposed development is contrary to the Herefordshire Unitary Development Plan – loss of employment land and specifically Policy E5.
2. The proposal is contrary to the emerging policy of the Place Shaping Consultation.
3. The assisted living units are a C3 use and not C2. However, both are a residential use and contrary to policies in the Herefordshire Unitary Development Plan.
4. Proposal is contrary to PPS4 in that although employment is identified, it is from the wider category of business use outside of the traditional 'B' use Class.
5. The proposal is still contrary to the reasons as stated on the previous refusal which was upheld by appeal.
6. The site lies adjacent to noise generating industry which operates on a 24 hour basis. Mitigation would not overcome excess noise and nuisance.
7. The site lies adjacent to the Sun Valley Rendering Plant where short term odours, despite best practice, are released. The site is therefore unsuitable for residential development.
8. There are restrictive covenants on the land preventing its use for residential purpose.

9. Westfield Trading Estate is heavily trafficked and would be a danger to safe access for a care home. It is therefore contrary to Policy CF7 which requires that the care home is accessible and reasonable access to services and facilities.

10. The dismissed appeal supported the Council's decision that the site should be retained for employment.

5.3 Three letters of support for the proposal have been received although the condition and use of Chave Court Road has been highlighted as an issue.

5.4 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The previous planning application was refused on seven reasons for refusal. However, the subsequent appeal was only dismissed on two grounds, namely protection of the land for employment and the lack of affordable housing provision within the assisted living units. This report therefore focuses on these two main issues.

Affordable Housing

6.2 The application now provides for affordable housing in the assisted living units. This is supported by the Council's Strategic Housing Manager and will equate to approximately 35 units of accommodation being 35% of the 100 proposed units. The nursing and care homes fall outside of the requirements for affordable units. Therefore on the provision for affordable housing, I conclude that the proposal complies with policy.

Employment Land

6.3 The site lies within a larger area of safeguarded employment land identified as Westfields Trading Estate. The site has remained largely undeveloped since the devastating fire in 1992.

6.4 The recent Herefordshire Employment Land Study (October 2009) forms the evidence base on employment land for the Core Strategy. This site was included and rated as a good employment site and on this ranking should be retained. In addition the Council's Economic Development Team have identified that there is only 1.92 hectares of available land north of the river and 11.87 hectares south.

6.5 The Herefordshire Unitary Development Plan requires that the Council have available 100 hectares of land for Part B employment development in the county. The latest Annual Monitoring Report (2008/9), shows that supply amounts to 172.5 hectares. Therefore in purely quantitative terms I consider that there is no need to safeguard the site. However the policy also requires that their needs to be a choice of sites. In this respect the city has approximately 14 hectares available but less than 2 hectares is available north of the river. Therefore in qualitative terms the loss of this site (1.74 hectares) would impact detrimentally on the supply of employment land north of the river.

6.6 The applicants claim that the Care Village will also provide in excess of 140 jobs, however these are not within the Class B employment use and required by Policy ED5.

6.7 Mention has been made previously of the need to retain the site for the urban regeneration of Hereford City with displaced businesses having the opportunity to relocate to this area. However no objections have been made on this basis and during the previous appeal it was identified as convenient but not necessary and therefore little weight can be attached in this

respect. However I conclude that significant weight should be given to the protection of this site for employment redevelopment.

Other Matters

- 6.8 Odour, noise and access have been raised in the processing of the application.

Odour

- 6.9 The adjacent Cargill Meats Rendering Plant is controlled under Permit by the Environment Agency. The Permit contains protective conditions and the Environment Agency regulate the site against these conditions to ensure compliance. PPS23 advises that local planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. It is therefore reasonable to assume that Best Available Techniques (BAT) are implemented to ensure that pollution (odour) is prevented or minimised. Accordingly I consider that the proposal would provide satisfactory living conditions for future residents so there would be no undue risk of annoyance for residents. This was also the view of the Inspector.

Noise

- 6.10 This aspect was also considered at the dismissed appeal and the Inspector confirmed that there was no evidence that ambient noise levels would lead to complaints and that the complaints would lead to threats regarding future operation of Cargill Meats. Members will also note that the Council's Environmental Health Officer has taken noise readings and confirmed that the proposal falls within Noise Category A and therefore does not object to the proposal.

Access

- 6.11 The main vehicular access is proposed off Faraday Road to the west with a secondary access of Chave Court Close to the east. Pedestrian access is also provided with access to local neighbourhood shops. The site also lies close to the city centre and its proposed urban regeneration. Bus routes run along Grandstand Road and in accordance with the Traffic Manager's requirements bus shelters would be required together with a pedestrian crossing to facilitate enhanced and safe access to either the neighbourhood centre or city centre. Access along Chave Court Close is limited and requires upgrading which can be controlled by condition.
- 6.12 Subject to the above I am therefore satisfied that safe pedestrian and vehicular access can be achieved as recommended by the Traffic Manager. Although limited parking is proposed its location in the city provides for alternative methods of transportation. To conclude the site has the potential for excellent permeability into the city and local services.

Material Considerations

- 6.13 The site has remained undeveloped for nearly 20 years and presents a forlorn appearance on the edge of Widemarsh Common Conservation Area that adjoins the east and southern boundaries of the site. The redevelopment of this site will provide a positive enhancement to the Conservation Area and would markedly improve the visual quality of the site and surroundings. This is an undoubted advantage of the proposal and deserves significant weight. This view was also accepted by the Inspector. In addition the developer has agreed to facilitate the removal and landscaping of the redundant public toilets.
- 6.14 Another factor to consider is the amount of brownfield land that is proposed to be developed. PPS3 gives a national target of 60% of new housing on previously developed land. The total

brownfield land identified in the Strategic Housing Land Availability Assessment for Hereford amounts to just 8%. Therefore significant weight can be attached to the redevelopment of this brownfield site.

- 6.15 Alternative sites have been investigated by the applicant and are not available. Therefore despite the need for the development as confirmed by the Strategic Housing Officer, there are no identified or available sites. This requires to be given reasonable weight.
- 6.16 Finally, the site's location in terms of sustainability warrants significant consideration given its position on the edge of the city centre.

Conclusion

- 6.17 The previous appeal was dismissed on lack of affordable housing and development of employment land. The proposal now provides for affordable housing and therefore the protection of employment land is the only main issue for consideration. Whilst its development would be contrary to Policy E5, the retention of this land is not fundamental to the regeneration of Hereford City. In quantitative terms there is considerable excess over the UDP requirement. Although there is limited availability of land north of the river this should not be considered in isolation to the overall development of Hereford.
- 6.18 The benefits of developing the site as proposed provide for a reuse of brownfield land, enhancement of the adjoining Widemarsh Common and Conservation Area and complementary land uses adjacent to existing residential development. These are all factors that are considered to carry significant weight in the planning balance of the site sufficient to warrant a recommendation for approval subject to the requirement of a Section 106 in accordance with the attached Heads of Terms.

RECOMMENDATION

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**

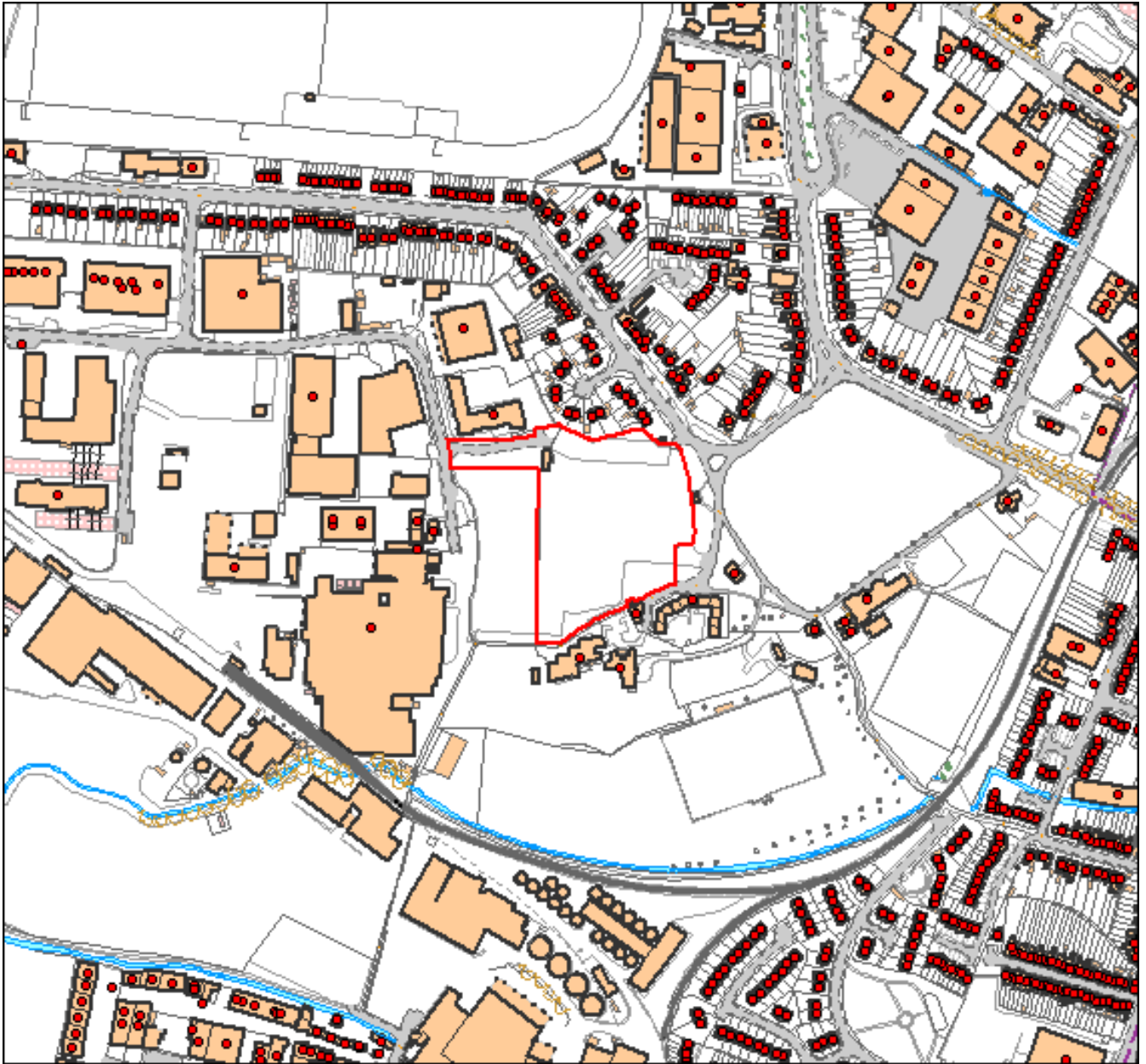
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMCW/092932/O

SITE ADDRESS : LAND AT FARADAY ROAD, FARADAY ROAD, HEREFORD, HR4 9NZ

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Further information on the subject of this report is available from Mr K Bishop on 01432 260756

HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Application – DCCW092932/O

Outline planning permission for the construction of a Total Care facility to include 100 assisted living units (use class C2 and C3)

Land off Faraday Road, Hereford. HR4 9NS

1. The developer covenants with Herefordshire Council to pay £XXXX for **improvements to seating, access and safety railing at Widemarsh Common.**
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £XXXX towards the cost of **demolition of the redundant toilets and landscaping of the cleared site.**
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £XXXX for off site **highway works** and improved public and sustainable transport infrastructure to serve the development (which aren't Section 278 works i.e. essential to facilitate the development).
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (The list is not in any order of priority)
 - a) Enhancements in the usability of the existing Public Rights of Way in the locality of the application site
 - b) Traffic calming in Faraday Road, Grandstand Road,
 - c) Pedestrian Crossing in Grandstand Road
 - d) Bus Shelters on either side of Grandstand Road.
 - e) Upgrade of Chave Court Close to a specified standard
5. Prior to the commencement of the development, the developer shall provide a strategy (which should include physical measures) in consultation with Herefordshire Council for minimising the impact of the development on the environment. The strategy shall include the following:
 - a. A waste audit
 - b. On site waste management facilities
 - c. A package of measures to reduce the carbon footprint of the development informed by carbon footprint analysis
 - d. A time bound programme of implementation along with measures to enable future monitoring
6. 35% of the total number of residential apartments shall be "Affordable Housing" which meets the criteria set out in Section 5.5 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) and related policy H9 or any statutory replacement of those criteria and that policy. All of the affordable units shall be made available for rent and occupied by persons aged 55 and over. None of the Affordable Housing shall be occupied unless the Herefordshire Council has given its written agreement to the means of securing the status and use of these units as Affordable Housing. All the affordable housing units shall be completed and made available for occupation prior to the occupation of more than 50% of the other residential

apartments on the development or in accordance with a phasing programme to be agreed with Herefordshire Council.

7. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, and 3 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the residential development unless otherwise agreed with Herefordshire Council
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Kevin Bishop - Principal Planning Officer June 2010



MEETING:	PLANNING COMMITTEE
DATE:	30 JUNE 2010
TITLE OF REPORT:	<p>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</p> <p>For: Mr Egan per Mr John Sneddon, Eclipse Office Park High Street, Staple Hill, Bristol, BS16 5EL</p>

Date Received: 26 February 2010 **Ward: Ross-on-Wye East** **Grid Ref: 360606,223781**
Expiry Date: 3 June 2010

Local Members: Councillors AE Gray and PGH Cutter

1. Site Description and Proposal

- 1.1 The site lies within the settlement boundary of Ross-on-Wye and Wye Valley Area of Outstanding Natural Beauty and is allocated as safeguarded employment land in the Herefordshire Unitary Development Plan. It is located on the south-eastern side of Alton Road approximately 0.8 km to the west of the town centre. The site is bordered to the north and south by commercial development, to the east by agricultural land and to the west by Alton Road (C1279) and residential properties.
- 1.2 This is an outline application to establish the principle of a care home for the elderly, a C2 use. The application reserves all matters; layout; scale; appearance; access and landscape for future consideration. However, a suggested site layout plan has been submitted that shows the position of the care home building positioned towards the rear of the site, and a car parking area that will be to the rear of the building. The remaining area of land is shown as open space/amenity area/garden. Vehicular access is shown off the adjoining industrial estate road that exits onto Alton Road.

2. Policies

2.1 Planning Policy Statements

- PPS1 - Delivering Sustainable Development
- PPS4 - Planning for Sustainable Economic Growth
- PPG13 - Transport
- PPG24 - Planning and Noise

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

2.2 Herefordshire Unitary Development Plan

- S1 - Sustainable Development
- S2 - Development Requirements
- S4 - Employment
- S6 - Transport
- S11 - Community Facilities and Services
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR5 - Planning Obligations
- DR13 - Noise
- DR14 - Lighting
- E5 - Safeguarding Employment Land and Buildings
- E7 - Other Employment Proposals Within and Around Hereford and the Market Towns
- E8 - Design Standards for Employment Sites
- CF5 - New Community Facilities
- CF7 - Residential Nursing and Care Homes
- T11 - Parking Provision

3. Planning History

3.1	DCSE2008/0775/O	Outline planning permission for the redevelopment of existing site for a mixed use development including business/general industrial (B1, b, c, B2) and bulky goods retail (A1) uses.	-	Approved 20.3.2009
	DCSE0009/1186/O	60 bed care home.		Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water has no objection subject to conditions.

Internal Council Advice

4.2 Traffic Manager recommends refusal due to inadequate parking shown. He also states that cycle and footway links to the Town and Country Trail to Alton Road need to be implemented.

4.3 Environmental Protection Manger recommends conditions to protect the amenity of residents of the care home.

4.4 Economic Regeneration Manager considers this is an issue of residential use on an employment site that would be surrounded on three sides by B Class development, and the potential adverse impact that this residential use would have on the full utilization of and operation of the surrounding employment sites over time. It is recommended that attenuated glazing is applied to all facades of the building as well as an acoustic fence to the side and rear of the building.

5. Representations

5.1 A Design and Access Statement has been submitted with the application. In summary it is said:

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- This application proposes a care home for the elderly. All residents would be above the age of 60 although in reality the average age will be well into the 70's.
- The proposal will have a maximum floor area of 1450 square metres.
- The accommodation will consist of individual bedrooms and communal areas; lounges and activities, interviews and treatment rooms, staff rooms and nurses rooms and medical rooms and kitchen. It will be a modern efficient care home.
- The position of the building will be determined by the street and character of the area. The building will be of traditional design.
- It is relevant that the application site has planning permission for a non-pure employment use; retail use.
- The site sits within the development limits of one of the highest ranking settlements in the Council area. Care home uses are acceptable in this settlement. There is no reason to believe it will impact on adjoining properties.
- The site is marked in the UDP as being protected from non-employment uses but permission has been granted for use which is not a classic employment use.
- The site is vacant and there is no need to look at alternative locations.
- The property will be manned 24 hours a day.
- The care will provide 40 full time jobs translating to 50 with part time employment.
- The site is close to services.
- Mitigation is proposed to ensure the residents will not be affected by noise from nearby industrial units.
- The proposal will have far less impact in traffic terms than the retail planning permission.

5.2 Ross Town Council has no objection.

5.3 Objections have been received from Mrs M Jenkins, 14 Alton Road, Ross-on-Wye and Mrs JA Hayes, White Keys, Walford Road, Ross-on-Wye. In summary it is said:

- Increase traffic along Alton Road danger in entering and exiting driveways opposite site and increase in traffic along Alton Road.
- Elderly residents overlooked from offices to the left not suitable for elderly people.
- 22 car parking spaces not enough for staff and residents should be sited at back of complex, cars already parking from the junction of Penyard Lane to Chase Side Road causing difficulty for drivers, if not enough car parking will result in more cars being parked along a very busy Alton Road, also used for Police cars and Ambulances answering 999 calls routes exiting and entering police station and hospital, large tractors also using this road to get to Walford Road. After A40 through Ross was reduced to make friendly for shoppers, moved traffic into residential area. Should really have a traffic survey carried out on Alton Road and Alton Street to access usage and best way to move forward with increase of traffic.
- Extra sewerage when Ross Sewerage has not been upgraded how can this be passed?
- Extra drainage to be installed because of run off of rain water from Penyard Woods.
- Green transport bus does not run for visiting times causing extra traffic
- No A & E at hospital so residents to be transported to Hereford hospital more need on Ross resources.
- Roof height on main entrance higher than rest of building what is maximum height - is it same height as building demolished?
- Site is industrial not residential.
- I can think of no more inappropriate place for a Care Home for the elderly. Resting between the Alton Industrial Estate and Alton Business Park and, to the rear, the Army Rifle Range - where is the peace and quiet and the dignity for those in care?
- The access appears to be through the Business Park. So private cars, ambulances, doctors and nurses, trades vans, heavy goods vehicles, 40 full time staff and 15 part time staff, and visitors to the Home will all be using the same entrance?

- There has been so little thought given to this application. Please ask the developer to think again and find a better place to build this Care Home.

5.4 Letter from Bauer Kompressoren UK Ltd, Unit 6A Alton Road Business Park, Alton Road, Ross-on-Wye. In summary it is said:

- We are in close proximity to the proposed building of a care home
- We have viewed the noise report and feel it necessary to inform you that as part of our daily activities we operate compressors immediately in front of the main entrance to Unit 6A
- The effect of these operations are that noise is generated that exceeds the figures specified in the Noise Report
- Our activities are in accordance with the requirements of our tenancy agreement.

The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The application site is located within safeguarded employment land, as defined in policy E5 of the Unitary Development Plan.

6.2 Policy E5 says proposals will only be permitted where there would be substantial benefits to residential or other amenity in allowing alternative forms of development, and the site or premises concerned can be shown to be unsuitable for other employment uses, including consideration of mitigation measures.

6.3 Policy CF7 which deals specifically with residential care homes comments they should be located within areas that are suitable for other forms of residential accommodation and ideally be situated close to local services and public transport routes. It is important to ensure that a satisfactory standard of accommodation is provided for residents, with appropriate levels of external amenity space. In addition, and recognising that such facilities are likely to be established within existing residential areas, it is important that the levels of noise and activity arising, for instance through social functions or traffic, does not significantly impact upon the amenity of local residents.

6.4 This is an application for a care home, a use that falls within Use C2; a place for people in need of care. Material to the determination of this application is the affect adjoining businesses and processes could have on the ability of operating the care and effect upon the residents of the care home. Also, consideration needs to be given to the effect a care home here would have on adjoining businesses. Although an outline application, the applicant has submitted a plan that positions the care home building and associated parking to the rear of the site. The plan also shows sitting out areas to be screened by acoustic fences. The Environmental Protection Manager advises that the acoustic fencing together with sound attenuation measures to be incorporated into the design of the building should protect the occupants of the building from potential noise nuisance from adjoining industrial processes that may arise from to time.

6.5 The site forms part of a much larger area of land which is subject of a comprehensive redevelopment scheme; DCSE2008/0775/O refers. Phase 1 included the refurbishment of units for industrial use and permission has recently been approved for the redevelopment of the office block to the front of the site. The remainder of the site (Phase 2 & 3) has been derelict for some time and does not form an attractive frontage to Alton Road. Consequently, the proposal would improve the appearance of the site and would benefit the residential amenity of properties facing the site on the opposite side of Alton Road.

- 6.6 Notwithstanding the employment allocation, other material planning considerations must be considered; outline planning permission has been granted for the redevelopment of the site which included a retail warehouse, DCSE2008/0775/O refers, a fall back position that remains available to the applicant. The site for the care home is that part of the site which was proposed for the retail warehouse. This outline planning permission is considered a material consideration in the determination of this current proposal. Notwithstanding the loss of employment land to the retail warehouse, this was based on a clearly identified need. The applicant was able to demonstrate there was no suitable sites available within the town centre for the sale of bulky goods and that the retail element of that proposal; would not undermine the vitality and viability of Ross town centre. Given the outline planning permission has established the principle of this part of the site as “non-manufacturing use”. The proposal will retain the employment use of the site in that it will provide employment opportunities through 24 hour shift work whereas as the retail warehouse will only provide employment during retail hours.
- 6.7 Material to the determination of this application is the outline planning permission at Model Farm which established the use of 15ha of land for B1, B2 and B8 Uses. DCSE2007/3140/O refers. The application site for the care home is some 0.40ha. This is considered a small area of land. The loss of this site is more than adequately compensated by the plans for industrial uses at Model Farm.
- 6.8 At the time of determination of the previous application on this site, DCSE2008/0775/O, the applicant argued the proposal would lead to a small loss of employment land having demonstrated that a surplus of 68ha of employment land was available, along with the recently approved 15ha employment site at Model Farm the loss would not be detrimental to the overall supply of employment land. This figure focused on the UDP provision for 100ha of land within the county, but the Herefordshire Monitoring Report (2006) identified about 168ha of available land. It was also said over the past 21 years average annual take up of available land has been 6ha. On this basis there is sufficient land to meet the needs of businesses for the next 28 years.
- 6.9 In addition, the small loss of employment land should be weighed against the number of jobs created. The applicant has said between 40 and 50 jobs will be created should this development proceed. It is considered this will represent a boost to Ross-on-Wye and the local jobs market.
- 6.10 Although the Traffic Manager has recommended refusal of the application in that the suggested layout plan does not provide adequate parking, 22 spaces are shown, and footway and cycle links from the Town and Country Trail to Alton Road will need to be implemented prior to the occupation of the care home. In the matter of parking this is an outline application which reserves all matters for future consideration which will include parking on the site. Insofar as the footway and cycle link is concerned this formed part of planning permission DCSE2008/0775/O. However, the applicant has agreed a financial contribution towards the construction of a pedestrian crossing point in Alton Road. Given the proposal is likely to generate a significant level of pedestrian traffic the provision of crossing point within the vicinity of the application site is seen a positive contribution to pedestrian safety in the locality. A Draft Heads of Terms is attached to this report.
- 6.11 The applicant is preparing a report into other suitable sites in Ross-on-Wye for a care home facility. At the time of this report it is not available. An update will be given at the Committee Meeting
- 6.12 The site is located within the Wye Valley Area of Outstanding Natural Beauty. Policy LA1 states ‘priority will be given to the protection and enhancement of the natural beauty and amenity of the area in the national interest’. This is an outline application which reserves all

maters for future consideration. However, a suggested layout plan has been provided that indicates a building that will be similar in size and scale to the adjoining industrial units.

- 6.13 There is scope for further planting on the site. A landscaping and management scheme could be imposed by condition. In these circumstances, although the development would have a limited adverse impact on the Wye Valley Area of Outstanding Natural Beauty it is not sufficient to justify refusal of planning permission, given its context in relation to existing and approved commercial development. The proposal is considered acceptable to the requirements of policy LA1.
- 6.14 Having regard to the planning history of the site, job creation, appropriate acoustic mitigation and the availability of employment land elsewhere in Ross-on-Wye the proposal is considered acceptable to policies E5 and CF7.

RECOMMENDATION

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

- 1 A02 Time limit for submission of reserved matters (outline permission)**
- 2 A03 Time limit for commencement (outline permission)**
- 3 A04 Approval of reserved matters**
- 4 A05 Plans and particulars of reserved matters**
- 5 B07 Section 106 Agreement**
- 6 C01 Samples of external materials**
- 7 F06 Restriction on Use**
- 8 H13 Access, turning area and parking**
- 9 H30 Travel plans**
- 10 I55 Site Waste Management**
- 11 L01 Foul/surface water drainage**
- 12 L02 No surface water to connect to public system**
- 13 L03 No drainage run-off to public system**
- 14 I44 No burning of materials/substances during construction phase**
- 15 I33 External lighting**
- 16 I39 Scheme of odour and fume control**
- 17 I16 Restriction of hours during construction**
- 18 I40 Details of flues or extractors**
- 19 G10 Landscaping scheme**

20 G11 Landscaping scheme - implementation

21 No development shall take place until details of the 1.8 metre high acoustic fence to be erected along the southwestern boundary of the application site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with those details.

Reason. In order to protect the amenity of the occupants of the care home from the potential of nuisance from adjoining businesses so as to comply with policies DR1, DR3 and CF7 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N15 Reason(s) for the Grant of PP/LBC/CAC

2 HN01 Mud on highway

3 HN05 Works within the highway

4 HN25 Travel Plans

5 W01 Welsh Water Connection to PSS

6 W02 Welsh Water rights of access

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DMSE/100420/O

Erection of 60 bed care home for the elderly
Land adjacent to Alton Business Park, Alton Road, Ross-on-Wye

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5,447.08 for off site highway works and improved public and sustainable transport infrastructure to serve the development (other than Section 278 works essential to facilitate the development). The monies shall be used by Herefordshire Council at its option for any or all of the following purpose:
 - a) Improved pedestrian and cyclist crossing facilities
2. In the event that Herefordshire Council does not for any reason use the said contributions [in paragraphs referenced above] for the purposes specified in the agreement within 10 years of the date of each payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. All of the financial contributions shall be Index linked and paid on or before commencement of the development.
4. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and the 2% monitoring charge as required by the Supplementary Planning Document, "Planning Obligations", adopted by Herefordshire Council in April 2008.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DMSE/100420/O

SITE ADDRESS : LAND ADJACENT TO, ALTON BUSINESS PARK, ALTON ROAD, ROSS ON WYE, HEREFORD

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Further information on the subject of this report is available from Mr D Thomas on 01432 261974

MEETING:	PLANNING COMMITTEE
DATE:	30 JUNE 2010
TITLE OF REPORT:	DATE OF FUTURE MEETINGS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the Planning Committee dates as agreed at Full Council on 28 May 2010.

Key Decision

This is not a key decision.

Recommendation

That the report be noted.

Amended Planning Committee / Site Visit Dates

Members were advised at the meeting of Full Council on 28 May 2010 that the Planning Committee would change to a 3 week meeting cycle with immediate effect. The full list of Planning Committee and Site Visit dates for 2010 – 2011 are set out below. Members and Officers are advised to amend their diaries accordingly.

Planning Committee Meeting	Site Visit
30 June 2010	29 June 2010
21 July 2010	20 July 2010
11 August 2010	10 August 2010
1 September 2010	31 August 2010
22 September 2010	21 September 2010
13 October 2010	12 October 2010
3 November 2010	2 November 2010
24 November 2010	23 November 2010
15 December 2010	14 December 2010
12 January 2011	11 January 2011
2 February 2011	1 February 2011
23 February 2011	22 February 2011
16 March 2011	15 March 2011
6 April 2011	5 April 2011
27 April 2011	26 April 2011
18 May 2011	17 May 2011

Further information on the subject of this report is available from Ricky Clarke on 01432 261885

