

Minutes of the meeting of Planning and regulatory committee held at online on Wednesday 3 March 2021 at 10.00 am

Present: Councillor John Hardwick (chairperson)
Councillor Alan Seldon (vice-chairperson)

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, Toni Fagan, Elizabeth Foxton, Terry James, Graham Jones, Mark Millmore, Jeremy Milln, Paul Rone, John Stone, Elissa Swinglehurst and William Wilding

In attendance: Councillors Ellie Chowns, Louis Stark and David Summers

79. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Graham Andrews and Johnson.

80. NAMED SUBSTITUTES

Councillor Bowen substituted for Councillor Graham Andrews and Councillor Swinglehurst for Councillor Johnson.

81. DECLARATIONS OF INTEREST

Agenda item 9: Land adjoining Duke Street, Withington

Councillor Hardwick declared an other declarable interest because he knew the applicant.

82. MINUTES

RESOLVED: That the minutes of the meeting held on 3 February 2021 be approved.

83. CHAIRPERSON'S ANNOUNCEMENTS

None.

84. 201895 - LAND AT ACTON MILL FARM, THE BARROW, SUCKLEY, WORCESTER, WR6 5EJ

(Erection of a detached, single storey, three bedroomed agricultural workers dwelling. The application was approved, contrary to the Case Officer's recommendation.)

(Councillor Bowen was unable to be present during all of the consideration of the application and accordingly did not vote upon it.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking for virtual meetings, Mrs Hooper, the applicant, made a submission by video in support of the application. This was played to the meeting.

In accordance with the Council's Constitution, the local ward member, Councillor Chowns, spoke on the application. In summary, she commented that the case was exceptional and significant weight should be given to the particular circumstances and needs of the applicant's family. The existing accommodation on the site was not suitable. A new build bungalow was essential. There had been no objections to the application. Approval would be consistent with the National Planning Policy Framework and the Core Strategy.

The Committee discussed the application.

It was proposed that the application should be approved, contrary to the officer recommendation, on the grounds that there were exceptional circumstances and the application would be of social benefit to the family and the whole community.

The Lead Development Manager commented that the application needed to be considered solely on the basis of planning policy. The application had been submitted on the basis that there was a need for an agricultural workers dwelling. There was accommodation on site, permission for another dwelling on site and accommodation nearby that could meet that need. The application therefore needed to be considered as an application for a dwelling in the open countryside.

The local ward member was given the opportunity to close the debate. She commented that there was no landscape harm and reiterated the absence of any objections and the exceptional needs of the family that could not be met by the existing accommodation or the extant permission for another dwelling.

A motion that the application should be approved on the grounds that there were exceptional circumstances that outweighed any harm was carried.

RESOLVED: That planning permission be granted on the grounds that there were exceptional circumstances that outweighed any harm, having regard to policy RA3 and relevant paragraphs of the National Planning Policy Framework, with a condition tying the property to use by the family, and officers named in the Scheme of Delegation to officers be authorised to issue the planning permission with any other conditions as considered necessary.

(The meeting adjourned between 11.00 am and 11.10 am)

85. 202391 - RIVERSIDE FLATS, WYE STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BX

(Proposed conversion of and extension to the existing riverview flats building to form 6no. 2-bed apartments with new end staircores and additional storey above.)

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

She highlighted that, as referred to in the schedule of updates, the officer recommendation had been amended, removing the fifth ground for refusal as set out in the published report relating to the proposed surface water drainage strategy.

In accordance with the criteria for public speaking for virtual meetings, Mrs J Geyl, a local resident, spoke in opposition to the scheme, as a virtual attendee. Mr M Andrews, the applicant's architect, spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Stark, spoke on the application. In summary, he commented that the application would represent a significant improvement to a derelict building in the conservation area, noting the comments of Historic England on this latest iteration of the scheme, provide needed accommodation in the town centre, and cause less than substantial harm. The Town Council had no objection. Whilst there were some objections, in particular from some nearby residents, there was evidence of broad local support. He supported the application

The Committee discussed the application.

The Lead Development Manager commented that there was scope for a scheme of a higher quality of design better reflecting the local context to be provided.

The local ward member was given the opportunity to close the debate. He reiterated that there was much local support for the proposal and would remove an eyesore that may otherwise remain for some time. The scheme had benefits that outweighed the less than substantial harm. If the Committee was not minded to approve the application, deferral for a site visit would be preferable to refusing it.

RESOLVED: That planning permission be refused for the following reasons:

- 1. The proposal with its uncharacteristic scale, architectural form, and materiality and by virtue of the site's location within the Ross Conservation Area has a detrimental impact upon nearby heritage assets, the character of the streetscape and the setting of the Conservation Area and fails to maintain or enhance the character and appearance of the locality, one that forms a gateway and location to the historic market town of Ross on Wye and is located within the Wye Valley Area of Outstanding Natural Beauty. As such the which would be contrary to Policies LD4, LD1, RW1 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance found in Chapters 12 and 16 of the National Planning Policy Framework 2019. The adverse impacts identified in this regard would significantly and demonstrably outweigh the modest social and economic benefits of the scheme, and the proposal would hence not be representative of sustainable development.**
- 2. The proposal would result in less than substantial harm to the setting of No.s 11-14 Wye Street and the Masonic Hall which are Grade II listed buildings which is not outweighed by the public benefits of the proposal. The proposal neither conserves nor enhances the setting of the heritage asset and impacts on the public's ability to experience the heritage asset from vantage points. The proposal fails to accord with paragraph 196 of the National Planning Policy Framework, Policies LD4 & SS6 of the Herefordshire Local Plan: Core Strategy and policy EN1 of the emerging Ross Neighbourhood Development Plan.**
- 3. The proposed extensions by reason of their height, scale and bulk and relationship with adjoining buildings would have an adverse impact on the amenity of adjoining occupiers as a result of a loss of outlook, increased sense of enclosure and a loss of light/overshadowing and as such the proposal fails to accord with Policies LD1 & SS6 of the Herefordshire Local**

Plan: Core Strategy and policy EN1 of the emerging Ross Neighbourhood Development Plan and the NPPF.

- 4. The proposed extensions due to their design, massing and scale would constitute an unsympathetic and over dominant addition to the existing streetscene and as such the proposal fails to accord with paragraph 196 of the National Planning Policy Framework, Policies LD1,LD4 & SS6 of the Herefordshire Local Plan: Core Strategy and policy EN1 of the emerging Ross Neighbourhood Development Plan.**
- 5. In the absence of an up-to-date detailed ecological survey as requested including any identified optimum period survey requirements, the Local Planning Authority is unable to assess the potential impact upon protected species, in particular bat species. The proposal is therefore contrary to policy LD2 of the Herefordshire Local Plan – Core Strategy, paragraph 99 of circular 06/2005 and the relevant aims and objectives of the National Planning Policy Framework 2019.**

Informative:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason(s) for the refusal, approval has not been possible.**

(The meeting adjourned between 12.07 and 12.15pm)

86. 201220 - LAND AT HILL VIEW, DINEDOR, HEREFORDSHIRE

(Outline permission for the demolition of an existing dwelling, the erection of up to 3 x residential dwellings with associated drive and access alterations (all other matters reserved).)

(Councillor Rone had left the meeting and was not present during consideration of this application.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking for virtual meetings, Dinedor Parish Council had submitted a written submission in objection to the application. This was read to the meeting. Mr J Lively, the applicant, spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Summers, spoke on the application. In summary, he expressed concerns about lack of infrastructure in the village, highway safety, drainage and flooding problems and conflict with the Neighbourhood Development Plan. He requested that the Committee hold a site visit.

At the outset of the Committee's discussion it was proposed that there should be a site visit.

RESOLVED: That consideration of the application be deferred pending a site visit.

87. 204274 - LAND ADJOINING DUKE STREET, WITHINGTON, HEREFORDSHIRE

(Proposed improvements to existing field access and construction of farm track.)

(Councillor Rone had left the meeting and was not present during consideration of this application. Councillor Paul Andrews fulfilled the role of local ward member and accordingly had no vote on this application.)

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking for virtual meetings, Withington Group Parish Council had submitted a video in objection to the application. This was played to the meeting. Mr P Bainbridge, a local resident, submitted a written submission in objection to the application on behalf of himself and other residents. This was read to the meeting. Mr P Smith, the applicant's agent spoke in support of the application as a virtual attendee.

In accordance with the Council's Constitution, the local ward member, Councillor Paul Andrews, spoke on the application. In summary, he expressed concerns about highway safety and the risk of flooding. He requested that the Committee hold a site visit.

At the outset of the Committee's discussion it was proposed that there should be a site visit.

RESOLVED: That consideration of the application be deferred pending a site visit.

88. DATE OF NEXT MEETING

Noted.

Appendix - Schedule of updates

The meeting ended at 1.05 pm

Chairperson

PLANNING AND REGULATORY COMMITTEE

Date: 3 MARCH 2021

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

201895 - ERECTION OF A DETACHED, SINGLE STOREY, THREE BEDROOMED AGRICULTURAL WORKERS DWELLING AT LAND AT ACTON MILL FARM, THE BARROW, SUCKLEY, WORCESTER, WR6 5EJ

For: Mrs R. Hooper and Mr M. Hooper per Mr John Peters, 11 St Marys Place, Shrewsbury, SY1 1DZ

ADDITIONAL REPRESENTATIONS

Following publication of the officer report, members were emailed by the applicants' agent on 26 February 2021, to provide a response to the officer report. This effectively details background supporting information, to justify the application submission.

OFFICER COMMENTS

Officers note no new material considerations have been introduced and members will appreciate an officer report can only consider the planning merits, constraints and material considerations of an application. Whilst noting the application is made for bespoke accommodation for the applicants' son, the proposal description seeks the erection of an agricultural workers dwelling.

Whilst noting paragraph 11 of the NPPF, inspectors in numerous appeal decisions in recent years have concluded that 'weight' can still be afforded to the Council's housing policies.

Due to the General Data Protection Regulation, tailored by the Data Protection Act 2018, the submitted planning statement and letter sent to members cannot be published.

NO CHANGE TO RECOMMENDATION

202391 - PROPOSED CONVERSION OF AND EXTENSION TO THE EXISTING RIVERVIEW FLATS BUILDING TO FORM 6NO. 2-BED APARTMENTS WITH NEW END STAIRCORES AND ADDITIONAL STOREY ABOVE AT RIVERSIDE FLATS, WYE STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BX

For: Mr Rollings per Mr Martin Andrews, One Wessex Way, Colden Common, Winchester, SO21 1WG

ADDITIONAL REPRESENTATIONS

Following the publication of the officer report, further clarification has been sought from ecology colleagues on this application. Officers now wish to revise the recommendation in respect of the removal of one refusal reason (reason 5), which relates to the Habitats Regulations Assessment. The outstanding matter in regards to surface water could now be

secured via an appropriately worded planning condition and thus the requirement for the removal of this reason for refusal. The revised recommendation is below:

CHANGE TO RECOMMENDATION

Remove Refusal Reason 5.

201220 - OUTLINE PERMISSION FOR THE DEMOLITION OF AN EXISTING DWELLING, THE ERECTION OF UP TO 3 X RESIDENTIAL DWELLINGS WITH ASSOCIATED DRIVE AND ACCESS ALTERATIONS (ALL OTHER MATTERS RESERVED) AT LAND AT HILL VIEW, DINEDOR, HEREFORDSHIRE,

For: Mr Lively per Mr Chris Moore, Clarendon House, 42 Clarence Street, Cheltenham, Gloucestershire, GL503PL

ADDITIONAL REPRESENTATIONS

The agent has submitted both the Biodiversity checklist and Climate Change Compliance checklist on 1st March 2021.

The Biodiversity checklist picks up that the Ecological features of: 'Development within, adjacent to or likely to affect a designated site (SAC*, SSSI*, Local Wildlife Site or nature reserve)' and 'Roof or building being demolished / replaced / altered, or loft being converted' will be impacted, however both of these have been resolved through the Ecological survey and assessment report that has been submitted with the application.

Within the Climate Change compliance checklist the agent has not ticked any of the measures but has provided the following information for reasoning why the measures have not yet been incorporated; *'The proposal is in outline and therefore the details of energy efficiency will be provided as part of the upcoming reserved matters planning application.'*

However, it should be noted that with the indicative plan the dwellings will be in a linear form with south east roof slopes which will be able to provide solar panels, and solar gain.

NO CHANGE TO RECOMMENDATION

204274 - PROPOSED IMPROVEMENTS TO EXISTING FIELD ACCESS AND CONSTRUCTION OF FARM TRACK AT LAND ADJOINING DUKE STREET, WITHINGTON, HEREFORDSHIRE

For: Ms Leake per Mr Paul Smith, 1 Whitby House, Commercial Street, Hereford, Herefordshire, HR1 2EH

ADDITIONAL REPRESENTATIONS

An additional letter of representation has been received in relation to the application, this is as follows:

“The Officers report states at Paragraph 6.12 that the ‘function’ of the access would remain unchanged. This is not correct as the applicant clearly states that it is a new/replacement farm access to replace those on Lock Road. As a main access to what could become a major farm operation, a full traffic impact assessment is required.

The highway engineer has previously stated that ‘the forward visibility around the bend for vehicles travelling from the south and turning right into the access is very poor.’ (Application 190884). He recommended that, without changes to the junction, involving highway widening, the application should be refused.

The application description of this new farm access, as proposed by the applicant in the supporting documents, is unclear. The existing access only serves the field, which also has another access onto Lock Road. In 2019 in the applicant’s submission for an earlier appeal, (reference application no. 190880) an aerial photograph showed no track. The current muddy track was only created on Tuesday 19th January 2021. It is unclear as to why earlier photographs are not included in the officers’ report.

There was a previous request as to whether prior approval for a farm track was required (application 190793). This track has not been implemented, therefore any access linking up to the farm buildings should be included in the application, as the whole route will connect to the highway.

Finally the report fails to refer to the proposed traffic calming measures being prepared by Balfour Beatty for the Herefordshire Council. These include improved pedestrian safety measures just 40 metres to the south of the bend at the main pedestrian access to Withington School. Pedestrian safety will be at greater risk with this change from field to farm access, onto a blind bend of a narrow road, with no pavements.

Contrary to applicant’s statement in the supporting document, Duke Street is residential, on a bus route, with more vehicle, cycle and pedestrian usage than Lock Road.

All of the above points have been made to the planning officer but no responses have been received, or included in the Committee Report.

The residents of Duke Street, supported by many other objectors, respectfully request that the application be refused on highway safety grounds, or at the very least be deferred for a site visit by members.”

NO CHANGE TO RECOMMENDATION