

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 21 July 2010 at 10.00 am**

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

Councillors: PA Andrews, ACR Chappell, PGH Cutter, GFM Dawe, JHR Goodwin, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, G Lucas, RI Matthews, DC Taylor, WJ Walling, PJ Watts and JD Woodward

**In attendance:** Councillor AE Gray

**12. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H Davies, B Hunt, JE Pemberton and AP Taylor.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor PA Andrews was a substitute member for Councillor AP Taylor and Councillor JHR Goodwin was a substitute member for Councillor JE Pemberton.

**14. DECLARATIONS OF INTEREST**

8. DMCW/100947/F - 44 Tower Road, Hereford, Herefordshire, HR4 0LF.  
Councillor PA Andrews, Personal.

**15. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 30 June 2010 be approved as a correct record and be signed by the Chairman.

**16. CHAIRMAN'S ANNOUNCEMENTS**

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

**17. DMSE/100420/O - LAND ADJACENT TO ALTON BUSINESS PARK, ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND**

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

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

In accordance with the criteria for public speaking, Mr Sneddon, the applicant, spoke in support of the 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;

- Agreed with the points raised by the applicant in respect of circular 03-2005
- The application had not been discussed with the regulatory body
- The local member felt that there must be evidence that the care commissioner had been consulted prior to any application being granted.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, the other local ward member, commented on a number of issues, including;

- Advised Members of the layout of the site and the location of the neighbouring industrial units.
- The nearest shop was approximately 1 mile away from the proposed development.
- Neither the Traffic Manager nor the Economic Development Manager were in favour of the application.
- The applicant had permission for 3 retail units on the site, these were more in keeping with the area than a residential use.
- The application was contrary to policy CF7 as the application was not in an existing residential area.

Members felt that the elderly deserved the right to live out their latter years in dignity and peace and that the proposed application would not enable this due to its location on an industrial estate. They felt that it was therefore contrary to Policy CF7 of the Unitary Development Plan and was not in keeping with local or national care policies.

It was noted that jobs would be created by granting the application but Members felt that this would not alleviate the concerns raised in respect of the suitability of the site. It was noted that the Committee had recently granted permission for a care home on Faraday Road on industrial land and some Members questioned how this proposal differed.

The Head of Development Management advised Members that the application needed to be determined on land use considerations only. He added that the need, or lack of need, for the care home was not a material planning consideration.

The Committee noted the letter from Dr Rogers, detailed in the updates sheet, regarding his concerns about care provision for the elderly in Ross.

The Committee noted that the Unitary Development Plan stated at 13.5.3, that, 'residential care homes 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.'

In summing up the Committee felt that the application should be refused as there was an inappropriate relationship between employment land and the care home; the application was contrary to Policy CF7 of the Unitary Development Plan; and the setting and surroundings were not appropriate for a care home development.

As the Committee were minded to refuse the application contrary to the officer's recommendation, the Head of Development Management and the Monitoring Officer's representative discussed the reasons for refusal outlined by the Committee and in accordance with paragraph 4.8.10.2 of the Council's Constitution they felt that major policy issues were not at stake and that the decision would be defensible if challenged, therefore the motion was put to the vote.

## **RESOLVED**

**That the application be refused on the following grounds:**

- **There is an inappropriate relationship between employment land and the care home**
- **The application is contrary to Policy CF7 of the Unitary Development Plan**
- **The setting and surroundings are not appropriate for a care home development**

### **18. DMCW100999F - LAND SOUTH OF WERGINS BRIDGE, C1125, SUTTON ST NICHOLAS, HEREFORDSHIRE**

*New vehicle access to field.*

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 Winnell, representing Sutton St. Nicholas Parish Council, spoke in objection to the application and Mr Rogers, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie, the local ward member, commented on a number of issues, including;

- There was a proposed music festival due to take place on the site, the access would be used for this.
- The new access was on a stretch of road with a 60mph speed limit.
- There had been a number of accidents within the proximity of the new access.
- The Parish Council object to the application on highway safety grounds.
- The proposed access was substandard and should be refused.

In response to a question regarding the proposed access, the Principal Planning Officer confirmed that the new gate would be set back 8 metres from the road and the visibility splay would be 2.4 metres from the road.

Members felt that the existing gateway was too close to the bridge which therefore impaired visibility. They added that the new access enabled a tractor to pull off the highway before opening the gate and was a vast improvement on the previous access.

Councillor Guthrie was given the opportunity to close the debate in accordance with the Council's Constitution. She reiterated the issues raised in her opening statement and added the following;

- Could a condition be added to restrict the use of the access to agricultural use only.

In response the Head of Development Control advised that the applicant was permitted to use the land for alternate uses for a certain number of days per year (depending on use) so the access could not be restricted. He also said that this was subject to obtaining a licence.

## **RESOLVED**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 No development shall take place until a scheme detailing the measures to be undertaken to close the existing access has been submitted to and approved in writing by the local planning authority. Such scheme shall include the provision of a hedgerow, comprising a mix of native species, to the highway boundary. The scheme shall include a timetable for the completion of the work with the new hedgerow to be planted no later than the first planting season following the first use of the access.**

**Reason: To define the terms by which planning permission is granted in order to ensure that the development does not prejudice the free flow of traffic or the conditions of general safety along the adjoining highway to comply with Policy DR2 of the Herefordshire Unitary Development Plan.**

- 4 H05 Access gates (8 metres)**
- 5 H06 Vehicle access construction**

### **Informatives:**

- 1 HN01 Mud on highway**
- 2 N11C General**
- 3 N15 Reason(s) for the Grant of PP/LBC/CAC**

## **19. DMCW100947F - 44 TOWER ROAD, HEREFORD, HEREFORDSHIRE, HR4 0LF**

*Erection of 8 flats.*

The Head of Development Management 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 Mrs Lilley and Mrs Bashir spoke in objection to the application, and Mr Shaw, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JD Woodward, a local ward member, commented on a number of issues, including;

- Concerns regarding highways including a lack of turning provision as well as concerns regarding impact on the Tower Road and Breinton Road junction.
- Increased traffic as a result of the application was contrary to Unitary Development Plan policy DR3.
- The proposal was out of keeping with the street scene and was contrary to policy DR1 in terms of layout, density, scale and mass.
- The local ward member and the local residents were happy with development on the site but felt that the current proposal was unacceptable.
- Concerns were expressed in respect of a lack of consultation regarding the section 106 agreement.

Members discussed the application and noted that there were no flats on Tower Road at present and that the existing bedsits were currently in the process of being returned to family dwellings. Members also expressed concerns regarding the difficulty in monitoring Condition 2, which stated that the dressing rooms would not be used as bedrooms.

On balance Members felt that the application should be refused due to over development, garden grabbing, and due to the fact that the character and appearance of the development were out of keeping with the area.

In respect of concerns regarding garden grabbing, the Head of Development Management advised that PPS3 had recently been amended. He stated that previously there was a presumption in favour of development of brown field land but since the revision there was no longer a presumption in favour of such development. However this did not mean that the land could not be developed. He added that the proposed application did meet the revised criteria.

In response to a question regarding Section 106 contributions, the Head of Development Management advised that monies had not been forthcoming for a number of applications referred to by Members as the developments had not been commenced.

The Head of Development Management also advised that the distance from the proposed development to the neighbouring boundary was three and a half metres, with the nearest dwelling being seven and a half metres away.

One Member of the Committee expressed concerns in respect of PPS1 - Delivering Sustainable Developments. He felt that the provision of parking spaces would encourage car use resulting in the additional use of fossil fuels.

As the Committee were minded to refuse the application contrary to the officer's recommendation, the Head of Development Management and the Monitoring Officer's representative discussed the reasons for refusal outlined by the Committee and in accordance with paragraph 4.8.10.2 of the Council's Constitution they felt that major policy issues were not at stake and that the decision would be defensible if challenged, therefore the motion was put to the vote.

## **RESOLVED**

**That the application be refused for the following reasons:**

- **Over intensive form of development (policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan)**

- **The character and appearance of the development are out of keeping with the area (policies DR1, H13 and H14 of the Herefordshire Unitary Development Plan)**

**20. DMS101526FH - 236 GRANDSTAND ROAD, HEREFORD, HR4 9LS**

*Proposed single storey front extension.*

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 paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, one of the local ward members, commented on a number of issues, including;

- The application was only before the committee as it was submitted by an officer from within the Council.
- The application would have been approved under delegated powers if it had not been an officer application.

**RESOLVED**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials**

**Informative:**

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

**21. DATE OF NEXT MEETING**

The date of the next meeting was noted.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 11.50 am

**CHAIRMAN**