

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 14 March 2012 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, AJ Hempton-Smith, JW Hope MBE, RC Hunt, Brig P Jones CBE, JLV Kenyon, G Lucas, RI Matthews, FM Norman, P Rone, GR Swinford and PJ Watts

In attendance: Councillors AM Atkinson and JG Jarvis

146. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JG Lester and MD Lloyd-Hayes.

147. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone and JLV Kenyon attended the meeting as substitute members for Councillors JG Lester and MD Lloyd Hayes.

148. DECLARATIONS OF INTEREST

7. S111970/F - THE MILL RACE PUB, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QS.

Councillor DW Greenow, Personal, The Councillor holds a business account with one of the objectors.

Councillor JG Jarvis, Personal, The Councillor frequents the premise as a local resident.

Councillor JLV Kenyon, Personal, The Councillor owns a brewery who previously supplied the premise.

Councillor PGH Cutter, Personal, The Councillor is the Vice-Chairman of the Wye Valley AONB Board.

149. MINUTES

Councillor Watts requested that the wording 'to survive' be added to bullet point 3 of his closing statement in respect of minute number 140.

In response to a question, the Democratic Services Officer confirmed that there was no constitutional requirement for local ward members to submit their comments in writing but that they did act as a useful 'aide memoire' in preparing the minutes.

RESOLVED: That subject to the amendment detailed above, the Minutes of the meeting held on 21 February 2012 be approved as a correct record and signed by the Chairman.

150. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the return of Councillor Lucas to the Planning Committee after a period of absence due to ill health.

The Head of Neighbourhood Planning advised Members of a recent judgement in the Court of Appeal relating to a planning application at Sun Cottage, Garway. He advised that the Court concluded that the Council had failed to provide adequate reasons for the grant of the permission. The Council was also required to pay the claimant's costs although the planning permission itself was not quashed. It was therefore requested that a training session be arranged for all Planning Committee members and regular substitutes to address the issues raised by the case.

151. APPEALS

The Planning Committee noted the report.

152. S111970/F - THE MILL RACE PUB, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QS

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.

In accordance with the criteria for public speaking, Ms Coombes, the applicant, spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Jarvis, the Leader of the Council speaking in his capacity as the local ward member, commented on a number of issues, including:

- The application related to a popular public house which fell within the Wye Valley Area of Outstanding Natural Beauty.
- There was not a shop in the village although the public house did have planning consent to open a small shop on the site.
- There was a village hall nearby which was often oversubscribed so the meeting facilities applied for would be welcomed.
- There was a need to improve tourism facilities throughout the County, the application would result in improved facilities for visitors to the area.
- The staff quarters applied for only resulted in a net increase of 1 room.
- The applicants had always worked closely with the local community; this had led to a number of previous applications being withdrawn.
- A number of the local residents had supported the application. There was also a petition of support within the public house which had gained a number of signatures.
- The main issue seemed to be around the site being deemed as in open countryside due to the settlement boundary falling within Coughton and not Walford.
- The forthcoming Parish Plan would be including this area for housing development as the Parish Council felt that it was not within the open countryside.

The debate was opened with a Member discussing the merits of the application. It was noted that the application was in compliance with Policies RST1 and RST2. It was felt

that there was a functional need for staff accommodation on the site to service the proposed additional accommodation block which meant the application was also in accordance with policy H7 of the UDP. It was also noted that the local residents would not be adversely affected due to the proposed screening.

The Locum Lawyer (Planning and Regulatory) noted that a motion had been tabled to approve the application contrary to the case officer's recommendation. She requested confirmation from the Member who had moved the motion that they were of the opinion that the application was in accordance with Policy H7 of the Council's Unitary Development Plan as there was, in their opinion, a functional need for the staff accommodation.

The Development Manager (Hereford and Southern Localities) concurred with the Locum Lawyer (Planning and Regulatory) and stated that Policy H7 of the UDP was key in determining the application and that Members had to decide whether they were of the opinion that the staff accommodation was necessary on the site.

Members confirmed that the accommodation was required and that the functional need was met, and therefore the application complied with Policy H7, they also confirmed that the other relevant policies were referred to in the Report.

The Locum Lawyer (Planning and Regulatory) noted that the Committee had made a judgement in respect of Policy H7 but advised them that there were other issues that needed to be considered. She advised Members that they may wish to consider issues such as the size and scale of the proposed development; the visual amenity of the area; and whether the residential amenity for the neighbouring residents could be addressed through the proposed screen.

The Development Manager (Hereford and Southern Localities) further advised that both the functional need and the impact on the AONB needed to be addressed. He noted that Walford was an established cluster of dwellings even though it fell outside the settlement boundary. He advised Members that a condition tying the business to the proposed dwellings would be required and asked for Members to consider any further conditions that they felt necessary.

The Councillor who had moved approval of the application confirmed that he was moving grant of the application for the reasons and on the basis of the policies, and with the conditions referred to above, and that the wording of the decision notice, and the wording and inclusion of any additional conditions in respect of the application be delegated to officers in consultation with the Local Ward Member and the Chairman of the Planning Committee.

The Locum Lawyer (Planning and Regulatory) advised Members that they would need to consider conditions relating to highways; lighting; flooding, landscaping and the privacy screen, as referred to in the report; as well as the conditions referred to by the Development Manager (Hereford and Southern Localities). The Committee agreed to include all of the conditions referred to.

The Committee continued to debate the application and were of the opinion that the application would also not have a negative impact on the AONB.

Members felt that the application for an accommodation block would result in a need for further supervision on the site and therefore the application for staff accommodation was fully justified. Members echoed the need for the proposed dwellings to be tied to the existing business.

In response to a question regarding the concerns raised by Walford Timber in respect of the application, the Senior Planning Officer advised that their primary concerns related to noise as a result of timber being moved around their site and the potential for complaints from this activity from people staying in the new accommodation block. They were concerned that this could impact on their business operations. In response to a further question the Senior Planning Officer advised that there was no impact on the setting of Goodrich Castle as a result of the proposed application.

One Member of the Committee raised concerns in respect of the location of the proposed accommodation block and to its proximity to Nelson Court. It was noted that there were no windows proposed in the façade facing Nelson Court and it was felt that there would be no impact on the residential amenity of the local residents as a result of the application.

Councillor JG Jarvis, the Local Ward Member, was given the opportunity to close the debate. He reiterated his opening remarks and added that the sewerage system was being replaced by the applicant which would be an additional benefit to the neighbouring residents. He therefore requested that the application be approved contrary to the case officer's recommendation.

Neither the Local Lawyer, representing the Monitoring Officer, or the Head of Neighbourhood Planning requested a further information report so the Committee proceeded to the vote.

RESOLVED

THAT planning permission be granted for the reasons set out above and with relevant policies referred to in the report, and with the conditions referred to above, and that the wording of the decision notice, and the wording and inclusion of any additional conditions in respect of the application be delegated to officers named in the scheme of delegation to officers and in consultation with the Local Ward Member and the Chairman of the Planning Committee.

153. S113131/F & S113132/C - VICTORIA HOUSE, 149-153 EIGN STREET, HEREFORD, HR4 0AN

The Head of Neighbourhood Planning advised the Committee that the application had been withdrawn from the agenda for further discussions between the applicant and the Planning Department.

154. N113460/F & N113461/L - 43 BROAD STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DD

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.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors FM Norman and Brig. P Jones CBE, the local ward members, commented on a number of issues, including:

- The application was welcomed by the local residents.
- All issues had been addressed through appropriate conditions.
- The application would benefit the town of Leominster.

Members noted that the application had only come before the Committee as it had been submitted by a Council Officer employed in a politically restricted post. It was further noted that the application would have been approved under delegated powers had this not been the case.

Members noted that the site was opposite a busy car park on one of the main entrances to Leominster and they felt that the proposed renovation of the building would be an improvement to the listed building as it had fallen into a state of disrepair.

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. F08 No conversion of garage to habitable accommodation**
- 4. F13 Restriction on separate sale**
- 5. H10 Parking - single house**
- 6. H15 Turning and parking: change of use - commercial**
- 7. I16 Restriction of hours during construction**

INFORMATIVES:

- 1. N16 Welsh Water Informative**

Approval of Listed Building Consent be granted subject to the following conditions:

- 1. D04 Details of window sections, eaves, verges and barge boards**
- 2. D05 Details of external joinery finishes**
- 3. D10 Specification of guttering and downpipes**
- 4. Prior to commencement of this Listed Building Consent, a schedule of remaining doors, architraves, skirtings, fireplaces and old floor boards with details of their retention, protection and re-use shall be submitted to the LPA for its written approval, and the subsequent works shall proceed in accordance with the details agreed.**

Reason: In order to safeguard the character and appearance of this Grade II listed building through the retention, protection, and appropriate re-use of The interior fittings which are a significant part of the special interest of the building

- 5. Prior to commencement of this Listed Building Consent, full written details and appropriate plans showing of the routes and external termini of mechanical, plumbing and electrical services shall be submitted to the LPA for its written approval, and the subsequent works shall proceed in accordance with the approved details.**

Reason: In order to safeguard the character and appearance of this Grade II listed building and the wider streetscene.

155. S102272/F - LAND AT TANYARD LANE, ROSS ON WYE, HEREFORDSHIRE, HR9 7BH

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. He advised Members that 2 of the conditions had been reworded and that full details of the amendments were contained within the update sheet.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, the Chairman speaking in his capacity of local ward member, commented on a number of issues, including:

- The application relating to the housing development had previously been considered by the Southern Area Planning Committee.
- The Members of the Committee were very clear at that time that they were happy to grant permission as long as the roundabout was in place first.
- Access to the site was the main issue due to the high speed of traffic along the highway.
- The residents of Chatsworth Close were concerned about the proposed access for construction traffic.
- Persimmon Homes had recently recorded profits of £148,000,000 so cost should not be the primary issue.
- The roundabout was a small cost but would protect the amenity of the nearby residents.

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

- The other local ward member's comments were echoed.
- Initially the application had seemed reasonable.
- Traffic travelled at high speeds and therefore safety was a concern.
- HGV vehicles would have great difficulty entering the site through the proposed access.
- The proposed access was too close to the neighbouring dwellings and would affect their amenity.

The Committee discussed the application and voiced their concerns in respect of it. They felt that the impact on the residents of Chatsworth Close was unacceptable. They also had concerns in respect of issues of highway safety due to vehicles entering the site onto from a fast flowing road.

Regarding the highways issues, Members were of the opinion that it was unreasonable to expect HGV vehicles to pass the entrance of the site before being forced to use the roundabout at the bottom of the road before entering the site from a southern location. It was further noted that HGV vehicles would find it difficult to manoeuvre the roundabout. Members felt that this condition would be extremely difficult to enforce or police.

The Development Manager (Hereford and Southern Localities) advised Members that the possible loss of amenity to the neighbouring residents appeared to be a reasonable

and sound reason for refusing the application however he had concerns in respect of refusing the application on highway grounds due to neither the Traffic Manager or Highways Agency objection to the application.

Following the advice the Member who had moved the original motion amended it to remove the reason for refusal relating to highway concerns.

Members continued to discuss the impact the application would have on the neighbouring residents, it was noted that the proposed hoardings looked inadequate and would offer little reduction in noise from the site. The issue of the show home was also raised with Members questioning how visitors to the show home would enter the site if the proposed access was solely for construction vehicles.

In response to a question, The Locum Lawyer (Planning and Regulatory) advised the Committee that if two reasons for refusal were included the Council would have to defend both reasons at any appeal. If the inspector felt that there was insufficient technical evidence in respect of the second reason for refusal, the applicant could be awarded their costs of appealing on that one ground.

The Democratic Services Officer offered guidance to the Committee in terms of the constitutional issues regarding motions. He made particular reference to paragraph 4.1.16.12 of the Council's Constitution regarding relevant amendments to motions.

Following the guidance an amendment to the motion was made which added a second reason for refusal based on highway grounds, as well as the original reason which related to the loss of amenity to the neighbouring residents.

Councillors PGH Cutter and AM Atkinson, the Local Ward Members, were given the opportunity to close the debate. They reiterated their opening remarks and respectfully requested that the application be refused.

A vote on the motion to refuse the application on highway grounds as well as the loss of amenity to the neighbouring residents was lost. The Committee therefore voted on the substantive motion based solely on the loss of amenity to the neighbouring residents which was carried.

RESOLVED

THAT planning permission be refused for the following reason:

- 1. The granting of the application would result in a loss of amenity to neighbouring residents.**

156. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

PLANNING COMMITTEE

Date: 14 March 2012

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.

S111970/F - PROPOSED EXTENSION TO EXISTING PUB WITH 10 BED ACCOMMODATION AND 2 STAFF DWELLINGS AT THE MILL RACE PUB, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QS

For: Eagle Inns Ltd, Ruardean Works, Varnister Road, Nr Drybrook, Gloucestershire, GL17 9BH

ADDITIONAL REPRESENTATIONS

The applicant has submitted the following:

We feel that your report does not reflect the situation correctly with regard to the relocation of the existing staff accommodation to make way for the function room. There is an existing 3 bedroom flat within the pub.

The reason for relocating the staff accommodation is that our proposal includes conversion of the existing staff accommodation contained within the pub building into a function room which can be used for meetings, seminars, conferences, training and private dining. This space will allow us to attract local businesses, clubs and committees to use the room which will provide additional revenue, during the week when it's usually quiet, so we can work towards improving our profitability to hopefully operate a viable business.

The proposed staff accommodation is essential to attract and house staff to work within the business. Please note that we currently employ 19 staff members and this is equivalent to 11 full time staff positions. This will increase once the accommodation block is constructed. Without this staff accommodation it is difficult to attract staff because most other pubs offer accommodation for guests and staff. It is also essential for staff to be located on site to deal with any issues that the guests might have during the night. Also, in order to offer the customer good quality accommodation it is necessary to have staff on site to deal with any customer issues during their stay typically during the night, and to be on call early morning to prepare breakfasts for the guests. In order to deal with staff holidays, sickness and busy periods it is necessary to have 2 members of staff on site so therefore a minimum requirement of 2 staff flats is required for the business to successfully operate.

We note that Policy H7 allows exceptions to restricting residential accommodation in countryside where:

"it is a replacement for, comparable in size and scale with and on the same site as an existing building with established residential use rights"

We do accept that there is a net increase of one bedroom but we would argue that the relocation of the accommodation is comparable in size and scale due to the limited increase of provision of only one

bedroom and do not consider this small gain has any impact. Our interpretation of the policy is that the proposal should fall within it

NO CHANGE TO RECOMMENDATION

S102272/F - VARIATION OF CONDITION 20 OF PLANNING PERMISSION DCSE2008/0095/F REGARDING ROUNDABOUT JUNCTION DELIVERY AT LAND AT TANYARD LANE, ROSS ON WYE, HEREFORDSHIRE, HR9 7BH

For: Persimmon Homes South Midland per RPS Planning & Development, Highfield House, 5 Ridgeway, Quinton Business Park, Birmingham, B32 1AF

OFFICER COMMENTS

Condition 2 has been improved from that originally proposed by establishing that no dwelling shall be occupied until such time as the roundabout has been constructed and is available for use as the sole means of access into the site for all traffic.

Condition 3 has been revised such that the terms of erection of the hoardings are clearly established for the avoidance of any doubt.

The reasons for both conditions have not been altered but are set out below for reasons of clarity.

CHANGE TO RECOMMENDATION

Condition 2

Within 12 months of the commencement of the development hereby approved, or upon completion of the 40 dwellings identified on plan drawing no.1, whichever is the sooner, the roundabout shown on drawing no. 50390/100 Rev.C shall be constructed and certified as complete by the local planning authority and it shall thereafter be the only means of vehicular access for construction traffic and future occupiers of the development hereby approved. No dwelling shall be occupied and no work shall commence on the 41st dwelling until the roundabout is available as the sole and permanent means of access to the site.

Reason: In the interests of highway safety and the amenity of local residents and to conform with Policies DR3 and T11 of Herefordshire Unitary Development Plan.

Condition 3

Before the temporary construction access is first brought into use the hoardings as specified in the letter dated 23 December 2010 shall be erected in accordance with drawing no.1. The hoarding shall be retained for the duration of the use of the temporary construction access hereby approved.

Reason: In the interests of the amenity of local residents and to conform with Policy DR3 of Herefordshire Unitary Development Plan.