

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 25 April 2012 at 10.00 am

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

Councillors: PA Andrews, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, AJ Hempton-Smith, JW Hope MBE, JA Hyde, Brig P Jones CBE, JF Knipe, JG Lester, MD Lloyd-Hayes, G Lucas, FM Norman, R Preece and PJ Watts

In attendance: Councillors WLS Bowen, RJ Phillips and A Seldon

169. APOLOGIES FOR ABSENCE

Apologies were received from Councillors AN Bridges, RC Hunt, RI Matthews and GR Swinford.

170. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors JF Knipe, R Preece and JA Hyde attended the meeting as substitute members for Councillors AN Bridges, RI Matthews, and RC Hunt.

171. DECLARATIONS OF INTEREST

6. N113363F - KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ.

Councillor BA Durkin, Prejudicial, The Councillor has carried out work for the fire authority.

Councillor Brig P Jones CBE, Prejudicial, The Councillor is a member of the fire authority.

Councillor DW Greenow, Prejudicial, The Councillor is a member of the fire authority.

Councillor J Hardwick, Personal, The Councillor has a family member who works for the fire service.

Councillor MD Lloyd-Hayes, Prejudicial, The Councillor is a member of the fire authority.

Councillor PJ Watts, Prejudicial, The Councillor is a member of the fire authority.

7. S120210F - CASTLE LODGE HOTEL, GREEN COURT, WILTON, HEREFORDSHIRE, HR9 6AD.

Councillor J Hardwick, Personal, The Councillor is a member of the AONB board.

Councillor JA Hyde, Personal, The Councillor is a member of the AONB board.

Councillor PGH Cutter, Personal, The Councillor is Vice-Chairman of the Wye Valley AONB Board and also has a work premises in the area.

8. N113558F - THE RHYSE FARM, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3LX.

Councillor DW Greenow, Personal, The applicant was a friend of the Councillor's son.

172. MINUTES

RESOLVED: That the Minutes of the meeting held on 4 April 2012 be approved as a correct record and signed by the Chairman.

173. CHAIRMAN'S ANNOUNCEMENTS

The Head of Neighbourhood Planning advised the Committee that there was an on-going application for a Judicial Review in respect of the planning permission for polytunnel development at Pennoxstone Court. It had been concluded by Officers that the Council should submit to the judgement of the High Court and consequently the planning permission would be quashed. Once this happened this would result in the application being undetermined and it would have to therefore come back at a future date for determination by the Committee.

174. N113363F - KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ

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. In summing up he advised Members that the application was finely balanced and although it was not explicitly in accordance with Policy HBA6 of the Unitary Development Plan, it was considered that the material considerations outlined in the report outweighed the policy requirements in relation to the Conservation Area.

In accordance with the criteria for public speaking, Mrs Sharp-Smith, a neighbouring resident, spoke in objection to the application and Mr Pryce, the applicant, spoke in support.

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

- Members were thanked for attending a site visit.
- The fire service presence was greatly appreciated and valued in Kingsland.
- Presentations had been made to the Parish Council in respect of the application but there had been no discussion on the matter.
- The Parish Council had voted unanimously against the application due to the impact on the conservation area.
- The application would not enhance or preserve the conservation area.
- English Heritage strongly objected to the application.
- All training would take place in the evening or at weekends.
- Leominster Enterprise Park would be a better location for the training facility.
- A site at the Enterprise Park had been offered to the applicants at a peppercorn rent.
- Could the application be deferred for 90 days for further discussions in respect of the site at the Enterprise Park.

The debate was opened by a Member of the committee voicing his concerns in respect of the application. It was noted that the committee needed to judge the application on its

merits, and that the application was for a substantial development in a conservation area. It was considered that the proposed application would not preserve or enhance the conservation area, a statement that was supported by the Conservation Manager's comments, and that it should be refused as it was contrary to Policies HBA6 and LA2 of Herefordshire Council's Unitary Development Plan.

In response to a question regarding landscaping, the Principal Planning Officer confirmed that additional screening had been recommended at the eastern boundary of the site and that the proposed condition did address the concerns raised. In response to a further question in respect of car parking, he advised that there was ample parking provision on the site.

Members noted that there could be a number of large vehicles attending the site as part of the training exercises.

In response to further questions from the Committee, the Principal Planning Officer advised that the colour of the proposed buildings could be controlled through an appropriate condition; that the fire station had been at the site since 1979 and that the site had been a conservation area for a considerable time prior to that date.

The Development Manager (Northern Localities) advised Members that the application had to be considered on its merits and that any alternative site proposed was not a material consideration. He added that they should make their decision based on the need for the site against the impact on the conservation area.

Members discussed the possibility of deferring the determination of the application for a period of 90 days to give sufficient time for further discussions with the applicant in respect of the proposed site at the Leominster Enterprise Park. The Democratic Services Officer advised Members that they could adjourn the debate for a period of time in accordance with paragraph 4.1.16.24 of the Council's Constitution.

Councillor WLS Bowen was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- There was no intention to move the entire fire station to Leominster.
- The fire service was greatly appreciated by the residents of Kingsland.
- The proposed screening would take a number of years to mature.

A motion to adjourn the debate for 90 days was lost. A vote was therefore taken on the substantive motion to refuse the application due to it being contrary to Unitary Development Plan Policies HBA6 and LA2. Neither the Head of Neighbourhood Planning nor the Locum Lawyer, representing the Monitoring Officer, had requested a further information report, but this motion was also lost. A third motion to approve the application in accordance with the Officer's recommendation was then put to the vote and the resolution, as set out below, was agreed.

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. C01 Samples of external materials**

4. **G09 Details of Boundary treatments**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **I33 External lighting**
8. **E01 Site investigation - archaeology**
9. **L01 Foul/surface water drainage**
10. **L02 No surface water to connect to public system**
11. **L03 No drainage run-off to public system**
12. **Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reason: To comply with policies NC7, NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006

INFORMATIVES:

1. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
2. **N11C General**
- 3 **Reasons for granting of planning permission.**

The proposal is for improved fire and accident training facilities for fire and rescue workers who cover the North Herefordshire Area in accordance with the Hereford and Worcester Fire Service proximity of strategic training buildings data map supplied by the applicants

The sequential test in relationship to site selection is considered satisfactory, the applicants having adequately demonstrated why the development should be located adjacent to the existing Kingsland Fire Station.

Whilst it is acknowledged that the applicants have submitted amended plans indicating improved landscaping mitigation and with suitably worded conditions attached to any approval notice issued on balance the proposed development is considered acceptable in consideration of landscape/biodiversity impact.

However the site is located within the Kingsland Conservation Area, to which it is considered that the development will have a negative impact upon and therefore not considered to be in accordance with Policy HBA6: Development within Conservation Areas, of the Herefordshire Unitary Development Plan.

Within close proximity to the site are two listed buildings, (One Grade II* and the other Grade II), in consideration of the separation distance from the site and additional landscape mitigation the proposed development is considered acceptable in consideration of the setting of these listed buildings. The proposed development is also considered acceptable in relationship to the setting of other listed buildings within the vicinity of the site and this includes the setting of Kingsland Castle.

The proposed development in consideration of residential amenity and privacy is considered acceptable, as well as public highway issues in consideration of the Fire Station's location.

In consideration of the need to provide adequate training facilities for Fire and Rescue workers within the North Herefordshire area and the sequential test in relationship to the site selection and overall impact on the surrounding landscape, historic environment, and consideration to environmental health issues, on balance the proposed development is considered acceptable. Whilst explicitly not considered to be in accordance with Policy HBA6 of the Herefordshire Unitary Development Plan, it is considered that material considerations identified above outweigh the requirements of the historic environment in relationship to the Conservation Area, the proposal therefore is considered to be in accordance with other policies of the said Plan and the National Planning Policy Framework.

Key Herefordshire Unitary Development Plan Policies are considered to be Policies S1, S11, DR1, DR2, DR3, DR4, DR13, E10, HBA4, HBA6, LA2, NC1 and CF1.

175. S120210F - CASTLE LODGE HOTEL, GREEN COURT, WILTON, HEREFORDSHIRE, HR9 6AD

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 two further letters of objection had been received since the update had been produced, these covered issues already previously raised including concerns in respect of the junction onto the B4260, as well as car parking and landscaping concerns. He advised Members that the application had previously been refused by the Planning Committee and the decision upheld at a planning appeal. He gave further details in respect of the appeal outcome, noting that the inspector had been satisfied with the car parking provision and further satisfied that there would be no impact on the neighbours' amenity as a result of the application. The inspector did however have concern in respect of the junction onto the B4260 and had noted that the traffic generation figures provided dated back to 2005.

In accordance with the criteria for public speaking, Mr Deegan, speaking on behalf of the neighbouring residents, spoke in objection to the application and Mr Eacock, the applicant's agent, spoke in support.

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

- The application had previously been before the Southern Area Planning Sub-Committee and the Planning Committee and had been refused on both occasions.
- The inspector had upheld the previous decision of the Planning Committee.

- The current application was identical except for the addition of five parking spaces.
- The junction onto the B4260 was in close proximity to a busy roundabout and busy 24 hour garage.
- Even with major improvements to the lane the junction would not be safe for access and egress.
- The narrow lane was also used to access Wilton Castle.
- The Parish Council also objected to the application.
- If the condition was removed it could result in a different type of restaurant than the service currently offered by the Castle Lodge.

The debate was opened with a Member noted that the report did not contain the full figures in respect of the traffic survey. He added that the Traffic Manager's comments at paragraph 4.2 of the report were noted but requested that the application be deferred for further information. It was further noted that the Traffic Manager's comments solely related to the car parking provision. However the primary concern was of the access onto the B4260. In summing up it was noted that the concerns raised had not changed since the application was previously refused in January 2011.

Members felt that there was a need to listen to the local residents in respect of Highway concerns. It was felt that the people who lived in the vicinity would know the issues with the access. It was noted that the B4260 had a 40 mph limit, and that vehicles came off the Wilton roundabout at high speeds.

Further reference was made to the issue of visibility from the junction and it was felt that there was a genuine safety concern if the application was granted. One Member of the Committee who had declared a personal interest as he lived near the site echoed these concerns and suggested that the speed limit in the area should be reduced to 30 mph. He added that if double yellow lines were requested on the narrow lane there would have to be a consultation period which could take a significant period of time.

Another Member of the Committee spoke in objection to the application and was of the opinion that it should be refused. It was further noted that the application would result in a negative impact on the amenity of the neighbouring residents and that as previously referred to the access was not safe. Concern was expressed that the traffic manager's comments in relation to the application had concentrated solely on the car parking aspect.

In response to a question, the Principal Planning Officer advised Members that there had been no breach of conditions on the site as the planning permission had not presently been implemented.

Members discussed the possibility of deferring consideration of the application to await further comments from the traffic manager as well as gathering further technical evidence in respect of the access. The Democratic Services Officer advised Members that they could adjourn the debate for a period of time in accordance with paragraph 4.1.16.24 of the Council's Constitution.

The Head of Neighbourhood Planning advised the Committee that there had been objections from the Parish Council and the local residents when the application was initially approved in 2006 and that the visibility issues had not changed since that approval. He added that the inspector had been satisfied with the impact on the amenity of the neighbouring residents as well as the parking provision however the inspector had raised concerns in respect of the visibility and noted that the traffic survey had been conducted in 2005. The current application was however accompanied by a more recent

traffic survey and had not resulted in an objection from the Highway's Agency or the Traffic Manager.

Councillor JA Hyde was given the opportunity to close the debate. She reiterated her opening remarks and made additional comments, including:

- The visibility issues had been raised by local residents and the Parish Council as far back as the initial application in 2006.
- Nothing had changed since the previous application had been refused.

A motion to defer the determination of the application was lost.

The substantive motion, to refuse the application, was then discussed. In response to a question regarding the reasons for the refusal, the Committee agreed that the concerns raised in January 2011 still remained. It was also requested that an additional reason for refusal be listed as Members were of the opinion that the application was contrary to UDP Policy T8. This motion was moved and seconded and then put to the vote.

RESOLVED

THAT subject to no further objections raising additional planning considerations being raised by the end of the consultation period, the planning permission be refused for the following reason:

- 1. The local planning authority considers that conditions 13 and 16 of planning permission SE/102971/F (10 January 2011) continue to serve a useful planning purpose. The removal of these conditions would allow the operation of two separate businesses, with a concomitant increase in traffic upon the adjoining lane and an increased risk of indiscriminate parking upon it. Given the proximity of the site to the strategic road network and the inadequacy of the junction onto the B4260, the local planning authority considers the conditions essential in maintaining both highway safety and the residential amenity of local residents. The application is thus contrary to Policies DR2, DR3 and T8 of the Herefordshire Unitary Development Plan 2007.**

176. N113558F - THE RHYSE FARM, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3LX

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.

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

- The Parish Council had objected to the application as they would have preferred a single application covering the three sheds rather than three separate applications.
- It was disappointing that the Parish Council had not taken up the option to address the Committee.
- The Parish Council had been working on a broiler chicken policy which would form part of the neighbourhood plan which could then be considered as a material planning consideration.
- The application was a straightforward application to extend a chicken shed.

The Committee discussed the application and were broadly in support of it. Some Members voiced their concerns in respect of intensive chicken farming but were advised that this was not a material planning consideration.

In response to a question, the Principal Planning Officer advised the Committee that an environmental impact assessment had not been required for this application but if the remaining two smaller chicken sheds were extended an assessment may be required due to the cumulative impact.

Councillor RJ Phillips was given the opportunity to close the debate. He reiterated his opening remarks.

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. C02 Matching external materials (extension)**
- 4. G02 Retention of trees and hedgerows**
- 5. G10 Landscaping scheme**
- 6. G11 Landscaping scheme - implementation**
- 7. Prior to any development on site full details will be submitted and approved in writing by the local planning authority with regards to a habitat protection and enhancement scheme for the adjacent stream corridor. Detail will include a timetable for the approved works.**

Reason: In consideration of biodiversity and to comply with Policies NC1 and NC8 of the Herefordshire Unitary Development Plan.

INFORMATIVE:

- 1. Reasons for Granting Planning Permission:**

The proposed development refers to an increase in overall floor space to one of five intensive poultry sheds and a consequential increase in bird numbers that is considered acceptable in consideration of the cumulative impact of the proposed development in relationship to the existing intensive poultry business on site and the surrounding landscape and environment, with suitable worded conditions attached to any approval notice issued with regards to landscape and biodiversity enhancement. The proposed development is considered acceptable in relationship to public highway issues and residential amenity and privacy. A screening opinion under Environmental Impact Regulations dated March 5th 2012 established that a Environmental Statement was not required to accompany any formal application for the proposed development.

With the above taken into consideration including objections received, the proposed development, with no adverse responses from any of the statutory consultees, is considered to be in accordance with policies of the

Herefordshire Unitary Development Plan, the key policies of which were Policies S1, DR1, DR2, DR3, DR4, E16, LA2 and NC1. The proposal also considered to be in accordance with the recently introduced National Planning Policy Framework.

177. N112348F - MOONFIELDS, ADJACENT TO WOODBINE COTTAGE, OCLE PYCHARD, HEREFORD HR1 3RE

The Development Supervisor 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, Mr Field, speaking on behalf of Ocle Pychard Parish Council, and Mr Calvert, a neighbouring resident both spoke in objection to the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors A Seldon and JG Lester, the local ward members, commented on a number of issues, including:

- The crux of the application was whether the rights of travelling families outweighed previous planning decisions on the site.
- The site was not suitable for any type of residential development due to flood risk and water drainage issues.
- The local infrastructure could not support a settlement outside of the settlement boundary.
- There were also highway concerns in respect of the site.
- It would be difficult to impose and enforce a condition limiting the number of vehicles the family could have on the site.

Members were of the opinion that it would be difficult to make a judgement on visual impact and the drainage issues referred to by the local members without visiting the site. They therefore proposed a site inspection based on the criteria for holding a site inspection as set out in the Council's constitution.

RESOLVED

THAT the determination of the application be deferred pending a site inspection on the following grounds:

- 1. The character or appearance of the development itself is a fundamental planning consideration.**
- 2. The setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.**

178. S113542F - WESTHIDE, HEREFORDSHIRE, HR1 3RQ

The Development Supervisor 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, Mr Barber, speaking on behalf of Withington Group Parish Council, and Dr Scotcher, a neighbouring resident both spoke in objection to the application.

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

- The application had caused concern to the residents of Westhide.
- The proposed route of the track went across ancient meadows.
- Amey had undertaken a survey which had shown evidence of a moat across the field in the 1800's.
- There had been a number of developments at the farm over the previous years.
- The proposed route was 4 feet above the bridleway so vehicle lights shone through the window of the objector's dwelling.
- There was also visibility into the garden and swimming pool of the objector.
- The application should be refused as it was contrary to UDP Policies DR1 and DR3

The Committee felt that it would be difficult to determine the application without visiting the site. They therefore agreed to visit the site based on the criteria for holding a site inspection as set out in the Council's constitution.

RESOLVED

THAT the determination of the application be deferred pending a site inspection on the following ground:

1. **The setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.**

179. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 12.48 pm

CHAIRMAN

PLANNING COMMITTEE

25 April 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.

6 N113363/F- DEMOLITION OF GALVANISED DRILL TOWER & CONCRETE BASE, REMOVAL OF METAL FENCE, ERECTION OF NEW GALVANISED STEEL FENCE, CONSTRUCTION OF NEW KERBED AREA. CONSTRUCTION OF TRAINING TOWER CONSISTING OF THREE FRAMED STOREYS AND ROOF. CONSTRUCTION OF NEW METAL CLAD BUILDING TO HOUSE BREATHING APPARATUS FACILITIES ACCOMMODATION FOR TRAINING CAGE AND FOR AT KINGSLAND FIRE STATION, ARBOUR LANE, KINGSLAND, HEREFORDSHIRE, HR6 9RZ

For: Mr Hay per Mr Malcolm Hay, Headquarters, 2 Kings Court, Charles Hastings Way, Worcester, WR5 1JR

ADDITIONAL REPRESENTATIONS

Two letters of objections have been received on issues already covered within the report.

OFFICER COMMENTS

Paragraph 2.1 Removed PPS and insert National Planning Policy Framework.

NO CHANGE TO RECOMMENDATION

7 S120210/F- REMOVAL OF CONDITIONS 13 AND 16 OF PLANNING PERMISSION DMS/102971/F. TO REMOVE CONDITIONS LINKING THE ANCILLARY USE OF THE RESTAURANT TO THE HOTEL AT CASTLE LODGE HOTEL, GREEN COURT, WILTON, HEREFORDSHIRE, HR9 6AD

For: Mr C Felices per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN

ADDITIONAL REPRESENTATIONS

The applicant's Transport Consultant has responded with regard to representations received relating to the Transport Statement (TS). The following main points are raised:

- The Highways Agency (HA) have assessed the hotel and barn restaurant separately and have no objections
- The Traffic Manager maintains that improvements are needed to the junction, securing parking spaces on the application site. 59 spaces for barn restaurant accepted, together with 16 reserved for use of Castle Lodge Hotel patrons. A total provision of 72 spaces. (This is incorporated within the proposal)
- Methodology used in Transport Statement, that follows TRICS Good Practice Guidance 2011, is not queried by either Highways Agency or Council's Traffic Manager
- HA has accepted 412 extra trips at Wilton roundabout
- Junction onto B4260 assessed for both network peak hours 17.00 to 18.00 and restaurant peak hours, indicate zero queuing and minimal delays to exit.

NO CHANGE TO RECOMMENDATION