

PLANNING COMMITTEE

16 May 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.

N112348/F- CHANGE OF USE OF LAND FROM AGRICULTURAL TO A ONE FAMILY TRAVELLER SITE WITH SITING OF 2 MOBILE HOMES AND 2 TOURING CARAVANS, SHED, AND REDESIGNED ACCESS AT MOONFIELDS, ADJACENT TO WOODBINE COTTAGE, OCLE PYCHARD, HEREFORD HR1 3RE

For: Mr Johns per Mr David & Michael Johns, 19 Withies Close, Withington, Hereford, HR1 3PS

ADDITIONAL REPRESENTATIONS

1. An email was received on 11 May 2012 from Peter Baines on behalf of the applicants. In it he states that:

i) Local residents advise that the application site is not known to have flooded in the last 57 years. Level fall across the site from east to west and even the lowest area is at or below the level of the surrounding area. When planning permission was granted for 5 dwellings on the site they were located over the entire area.

ii) The septic tank is located in the higher part of the site where there appears to be good drainage. It is believed that its capacity is sufficient for the number of people occupying Woodbine Cottage and the application site but there is adequate space to install a separate system if required in the future. Samples are understood to be taken regularly from the pond on the application site and tested for contamination with negative results to date. An enquiry has been made of Welsh Water asking whether it could be possible to link into the publicly owned system which serves the Holme Oaks development.

iii) One static caravan is currently located too close to the septic tank and will need to be moved so that it is at least 7 metres away from it. Its location could be controlled by defining an area within which the caravans are to be positioned rather than identifying an exact position.

2. A petition supporting the application was received on 14 May 2012 signed by the residents of numbers 4, 5, 8, 16, 17, 18, 19, 21, and 24 Holme Oaks and the resident of Woodbine Cottage. The petition also states that they have never known the land to flood or the septic tank to have overflowed. The occupier of 8 Holme Oaks has lived there for 57 years.

OFFICER COMMENTS

In response to point 1iii) above it is proposed to amend Condition 4 to read:

Condition

The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed from the site within 2 calendar months of the date of failure to meet any of the requirements set out in i) and ii) below:

i) Within one calendar month of the date of this permission a plan shall be submitted defining an area or areas within which all caravans on the site, including visiting caravans, shall be located at all times.

ii) All caravans shall be sited in accordance with the approved details within 2 calendar months of the details being approved in writing by the Local Planning Authority. No caravans shall be located other than in accordance with the approved plan.

Reason

In order to define the terms of the permission and safeguard the amenity of neighbouring residents and the landscape character of the area in accordance with the requirements of Policies H13 and LA3 of the Herefordshire Unitary Development Plan.

CHANGE TO RECOMMENDATION

No change to the recommendation

S113542/F - CONSTRUCTION OF FARM ACCESS ROAD (PART RETROSPECTIVE) AT WESTHIDE, HEREFORDSHIRE, HR1 3RQ

For: Mr Thompson-Coon per Mr Bryan Thomas, The Malthouse, Shobdon, Leominster, Herefordshire, HR6 9NL

ADDITIONAL REPRESENTATIONS

Emails have been received from the local parish council chairman on 2 May and 10 May

They can be summarised as follows

- The use of the road is to access stables of recreational horses, this use is not agricultural and itself may require planning permission.
- The grazing and exercising of recreational horses should also be questioned.
- There is no reference of the original access into the yard area closed to improve the setting of pool head cottage.

An email with attached pictures has been received from Dr Clare Scotcher on 13 May.

Its content can be summarised as follows

- The attached photographs show a large vehicle accessing the track casting doubt on the solely agricultural use of the track. Local concern is that it will also be used for business purposes.

OFFICER COMMENTS

While not confirming that the parish council wish to make a formal enforcement complaint regarding their concerns over the use of the field the track passes through and the area the track accesses their concerns have been investigated.

The use of the track is to access a yard of agricultural buildings and not the stables that lay beyond. The track that passes by Pool Head Cottage has only recently returned to the ownership of the estate and was closed off by the previous owner. Its use as alternative access would have a detrimental effect on the setting of the listed building and it would also raise safety issues for the occupants of the holiday let.

The use of land to graze horses is not development and therefore planning permission is not required for this use. There is no distinction between any specific types of horses in case law and therefore planning permission is not required for the use of the field the track passes through.

The vehicle Dr Scotcher photographed was delivering supplies of trees and other items used by the estate in the forestry area of the estate.

Following the committee site visit an alteration of the gradient of the track where it meets with the bridleway WS2 was suggested. This will be achieved with the detailed conditions

CHANGE TO RECOMMENDATION

The following condition should be attached to the recommendation.

- 1) Within three months of the date of the permission details of a reprofiled gradient and finished surface of the track where it meets the WS2 bridleway shall be submitted in writing for approval to the local planning authority. The approved reprofiled gradient shall be completed within 2 months of approval of the works.

S113131/F - ERECTION OF RETIREMENT LIVING HOUSING FOR THE ELDERLY, (CATEGORY II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING AT VICTORIA HOUSE, 149-153 EIGN STREET, HEREFORD, HR4 0AN

S113132/C - ERECTION OF RETIREMENT LIVING HOUSING FOR THE ELDERLY, (CATEGORY II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING AT VICTORIA HOUSE, 149-153 EIGN STREET, HEREFORD, HR4 0AN

For: McCarthy & Stone Retirement Lifestyles Ltd per The Planning Bureau Ltd, Hartington House, Hartington Road, Altrincham, Cheshire, WA14 5LX

ADDITIONAL REPRESENTATIONS

The applicant's agent has amended the plans in response to the comments made by English Heritage about the detailed design of the building. The revised plans will form part of the presentation to Planning Committee. The amendments are detailed as follows:

1. Amendments to the North West corner to omit the large curved balcony in favour of a more conventional corner treatment emphasising the gable

2. Metal cladding areas changed to render, more in keeping with local materials and adjacent Victoria Court.
3. Balcony details amended to provide a glazed panel rather than metal balusters, providing a visually 'lighter' elevational treatment
4. Roof to atrium amended to provide a more distinct building break on front elevation with a lower roof line
5. More emphasis to the front entrance from Eign Street

The plans have been forwarded to English Heritage and they have responded as follows:

While I appreciate the efforts made by the applicants to meet our concerns, I do not think that the revised plans would enable us to conclude that the scheme would preserve or enhance the character or the appearance of the area. I think, therefore, that we would advise that our previous comments stand.

The applicants have also submitted a briefing paper that has been forwarded by email to all Members. For clarity, the paper is reproduced below:

For your information, please find attached a Committee Briefing providing additional information regarding the above application, which will be considered by Committee on Wednesday 16 May.

McCarthy & Stone consider its proposal offers substantial public benefit, delivering:

- the redevelopment of a disused brownfield, neglected site, which attracts anti-social behaviour
- much needed retirement homes, for which there is local support
- a high quality design
- economic benefits, residents of retirement schemes shop locally
- beneficial contributions to the Council via a S106 agreement, including financial contributions towards:
 - affordable housing
 - CCTV
 - improvements to the adjacent underpass
- additional financial contributions via the New Homes Bonus

I hope this update is useful and members will be able to support this beneficial proposal.

OFFICER COMMENTS

The amended plans make some further subtle changes to the detailed design of the building, but do not address the concerns raised about its scale and mass. This is reflected in the comments from English Heritage who maintain their original comments.

The briefing paper from McCarthy & Stone simply contends that the scheme does provide substantial public benefits locally but does not provide any substantive reasoning as to why these outweigh the concerns raised. The main report highlights why the design of the building is not considered to be of sufficient quality. It also demonstrates that it falls well short of providing the requisite affordable housing.

The re-use of the site is an important material planning consideration, as is the impact of development on the character and appearance of the conservation area. Your officers have demonstrated that the design is not in-keeping with the conservation area and the revisions to the design do not satisfactorily address this reason for refusal.

CHANGE TO RECOMMENDATION

No change to the recommendation.

**N113545/F- PROPOSED CONSTRUCTION OF 4 HOUSES AND GARAGES
AT LAND BEHIND 43 DUKE STREET, KINGTON, HEREFORDSHIRE, HR5
3BL**

**For: Mr Morris per Mr Nick La Barre, Easters Court, Leominster,
Herefordshire, HR6 0DE**

ADDITIONAL REPRESENTATIONS

Two additional letters have been received from local residents.

Mr & Mrs Yardley, Mitre House, Duke Street, Kington object to the application due to concerns over access. They also comment that the design is better than previously submitted.

Mr Morris, 43 Duke Street, Kington is in support of the proposal. He cites the need for additional housing in the area and the improvements derived from the re-development of the site. He also considers that the proposed access is far better than Midland Bank Lane which has high walls to either side and is close to the junction of High Street and Bridge Street.

OFFICER COMMENTS

The issues raised in the two letters received are addressed in the main body of the report and there is no need to comment at any further length.

CHANGE TO RECOMMENDATION

No change to the recommendation.

**S113577/F - ERECTION OF 90 BED CARE HOME FOR THE ELDERLY AT
ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND**

**For: M F Freeman Limited per Tetlow King Planning, Unit 2 Eclipse Office
Park, High Street, Staple Hill, Bristol, BS16 5EL**

ADDITIONAL REPRESENTATIONS

The applicant has submitted a statement; "Planning Policy Loss of Employment Land" which considers the consultation responses from the Economic Development Officer and the Planning Policy Manager as well as the lack of alternative sites, employment opportunities and the National Planning Policy Framework. In conclusion it is said

“The Council’s development plan does not allocate land for C2 use it is therefore “*silent*” on where care home development should take place.

At Appeal the Planning Inspector considered the issues of the employment land and said “*there would be significant employment opportunities arising from the proposed use as a care home*”.

The Inspector also said after considering the amenity issues “*...the proposal would comply with Policy CF7 and the requirements in LP Policy S2(2) which promote mixed use development where amenity considerations are satisfactory and respect the development potential of adjoining land..*”. The proposals complies with policy CF7 and S2 of the development plan therefore, as per the NPPF, permission should be granted. To reach another view without substantial weight or evidence would be unreasonable..

The Appeal Inspector considered the proposal to comply with the development plan. He considered that the jobs it created were not outweighed by the B use class protection policy. There have been no material changes to policy since the Appeal decision therefore; it would be unreasonable to come to a different conclusion.

The application is further supported by the NPPF and we have established that there is a need; that there are no other suitable locations; that there are no sites for C2 allocated in the development plan and that it would create more or at least the same number of jobs as the existing permissions. There is no argument that this is not a sustainable location. The consultations make no argument that there is a shortage of B class employment land.

The consultation responses from the Economic Development Officer and the Forward Planning Officer clearly want to stick to the development plan even though material considerations indicate that the application should be approved. Their position would appear to be that the jobs created are not valued and that the site should be left vacant and empty, perhaps for 5 to 10 years. This is not government policy and does not serve the social or economic interests of the community if Ross on Wye.

The proposed development should be considered as an exception to the current Development Plan policies for the reasons set out here, and in the application documents, and therefore the proposal should be approved.”

The document has been forward to the Economic Development Officer and the Planning Policy Manager for their views, who comment:

Economic Development Officer:

We stand by all of the points raised in the comments made on the 1/3/12, with one clarification arising from the comment at point 15 in the last minute information dated April 2012 submitted on behalf of MF Freeman. No reference is made to Alton Road, the Alton Business Park referred to in the comments made on the 1/3/12 (fourth paragraph) relates to the applicants existing ‘B’ use class development directly to the north east of the application site and to that site’s existing **internal circulatory road** which runs along the north eastern boundary of the proposal site [This can be clearly seen if you Google Alton Business Park Ross-on-Wye and click on the map that appears].

The proposal site is located in a thriving ‘B’ use class area. At no stage have MF Freeman approached Economic Development to request a meeting to discuss the problems that they were encountering in developing the application site for ‘B’ type uses, so no form of constructive engagement has taken place.

The proposal site has now doubled in size and I believe that it is fair to consider it in that context.

A lot of play has been made about the accessibility and sustainability of the application site for a 'C2' class residential institutions use, these attributes equally apply to 'B' class activities.

It should be noted that that there are only two allocated employment sites for 'B' class uses in Ross on Wye, Land north of petrol filling station, Overross, Ross on Wye [1.2 ha] and Land north of the A40, Model Farm, Ross on Wye [10.0ha not 15.0 ha as stated by the applicants] I understand that the former site has an extant permission for offices and the latter requires a substantial amount of infrastructure such as a turning lane off the A40; estate road and drainage ponds being constructed. This is likely to require interest from a large potential user and not really comparable with the good quality and much smaller application site.”

Planning Policy Manager:

“The report submitted discusses the acceptability of the proposal in light of the publication of the National Planning Policy Framework (NPPF) during the course of the application's determination, and responds to matters raised by Forward Planning and Economic Development.

You are aware that the NPPF consolidates the previous National Planning Policy Statements (PPS) and Guidance Notes (PPG) into a single document. The implications of the NPPF are yet to be tested but the key premise running throughout is a 'presumption in favour of sustainable development'.

However, the presumption only applies where the local plan is absent, silent or relevant policies are out-of-date. The UDP is not absent, nor is it silent on the matters of employment land or where residential care homes can be provided, hence Saved Policies E5 and CF7. These policies are still material considerations during the 12 month transitional period, unless they conflict with national planning policy. Whilst there may be some degree of conflict between Saved Policy E5 of the UDP and Paragraph 22 of the NPPF (long-term protection of employment sites), the evidence base underlying the Local Development Framework provides a sound basis for the continued protection of the site, through the application of planning policies both existing and emerging, from non-employment use.”

OFFICER COMMENTS

With regard to paragraph 6.11 and the contributions payable for sustainable transport infrastructure, the payment should be £8,616.07 and not £8,6167.07.

CHANGE TO RECOMMENDATION

There is no change to the recommendation.