

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 16 May 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, JF Knipe, JG Lester, MD Lloyd-Hayes, G Lucas, FM Norman, P Rone and GR Swinford

In attendance: Councillors AM Atkinson, TM James, SM Michael, A Seldon and JD Woodward

180. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RI Matthews and PJ Watts.

181. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors JF Knipe and P Rone attended the meeting as substitute members for Councillors RI Matthews and PJ Watts.

182. DECLARATIONS OF INTEREST

10. N113545-F - LAND BEHIND 43 DUKE STREET, KINGTON, HEREFORDSHIRE, HR5 3BL.

Ricky Clarke, Personal, The Officer is a friend of the applicant.

11. S120859/CD - ADJACENT TO THE OLD HOUSE, HIGH TOWN, HEREFORD.

Councillor PJ Edwards, Personal, The Member is a Member of the City Council who had initially proposed the sculpture.

12. S113577/F - ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND.

Councillor J Hardwick, Personal, The Member sits on the Wye Valley AONB Board.

12. S113577/F - ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND.

Councillor PGH Cutter, Prejudicial, The Chairman is Chair of the Wye Valley AONB Board and also has a business contract with the applicant's agent.

183. MINUTES

Councillor DW Greenow advised that he had declared a prejudicial interest in respect of item 8 on the agenda as his son worked with the applicant's agent.

RESOLVED: That subject to the amendment detailed above, the Minutes of the meeting held on 25 April 2012 be approved as a correct record and signed by the Chairman.

184. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that the order of the agenda had been amended with agenda item 11 now being the first application to be considered.

185. APPEALS

The Planning Committee noted that there were no appeals. In response to a question the Head of Neighbourhood Planning advised that there were appeals awaiting decisions but these had been held up during the introduction of the National Planning Policy Framework.

186. S120859/CD - ADJACENT TO THE OLD HOUSE, HIGH TOWN, HEREFORD

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.

Members discussed the application and were broadly in support of it. There were however concerns that seats and trees would be removed as part of the application. Members also discussed the possibility that people may sit on the plinth, some members were of the opinion that this was regrettable whereas others did not feel it would be a problem.

Some further concern was expressed in respect of the proposed location of the sculpture. An alternative location was suggested where it was considered that the sculpture may have more of a visible impact.

In response to points raised by the Committee, the Principal Planning Officer advised that the location of the sculpture would not impact on accessibility to high town for emergency vehicles. He added that the concerns regarding the loss of seating would be conveyed to the applicants but felt that a condition requiring their relocation would not be appropriate. It was therefore agreed that the matter be conveyed via an informative note. In response to a further point it was agreed that the possible relocating of the trees be included as an informative note also.

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 (drawing nos. 551600/C/001 – Site Clearance and Earthworks; 551500/C/002 – Plinth Detail; 551600/C/003 – Bull installation and Proposed Lighting; 551600/C/004 – Location Plan and General Arrangement)**
- 3. E03 Site observation - archaeology**

Reason for Approval:

- 1. The proposal was considered having regard to the statutory provisions of The Planning (Listed Building and Conservation Areas) Act 1990, Policies HBA4, HBA6, LA5 and ARCH7 of the Herefordshire Unitary Development Plan and the guidance contained in the National Planning Policy Framework.**

Having due regard to the above, the Council concludes that the development would not adversely affect the setting of the adjoining Grade I

Listed Building and would preserve the character and appearance of the Conservation Area in accordance with Policies HBA4 and HBA6 of the Herefordshire Unitary Development Plan. The imposition of a site observation considered is considered to address the potential archaeological interest of the site as one within the area of Archaeological Interest would secure compliance with Policy ARCH7.

Informative:

- 1. The developer is asked to note the minimum of 5 days' written notice of the commencement of any development that should be served on the County Archaeology Service as per the requirements of condition The developer is advised to contact Mr Julian Cotton (County Archaeological Advisor) on 01432 383350.**
- 2. The developer is notified that the seating and trees to be removed should be reused/replanted in a suitable location at the earliest opportunity. For further advice please contact Planning Services.**

187. N112348/F - MOONFIELDS, ADJACENT TO WOODBINE COTTAGE, OCLE PYCHARD, HEREFORD HR1 3RE

The Development Manager (Enforcement) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. He also advised that following a discussion with the applicant it had been agreed that the septic tank on the site could be relocated to address the concerns raised at the site visit.

In accordance with the criteria for public speaking, Mrs Lewis, representing Ocle Pychard Parish Council, and Mr Calvert, speaking on behalf of some of the neighbouring residents, spoke in objection to the application.

Following the statements from the public speakers, the Locum Lawyer (Planning & Regulatory) advised Members that there was no evidence to support the concern expressed by the Parish Council that the low level of objections to the Application was the result of possible reprisals. Members were therefore advised this comment was not a material planning consideration.

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:

- Members had to decide whether the applicant's circumstances outweighed the previous refusal of planning permission on the site.
- Members had witnessed at first hand the access issues on the site at the recent site inspection.
- The site was not suitable for any residential development.
- Pleased that the issues regarding the septic tank had been resolved.
- There was no evidence that the functional test in respect of traveler status had been met.
- The allegation regarding local residents fearing reprisals was also contained in the agenda pack, it should not have been in the report if the public speakers were not permitted to raise it.
- The application should therefore be refused on highway grounds, drainage, and also as the functional test had not been met.

Members discussed the application and noted that gypsy and traveller applications were generally sensitive and subject to objections from neighbouring residents. However it was noted that the site was well screened, that neither the Environment Agency or the Landscape Officer objected to the application and finally that the concerns in respect of the septic tank had been addressed.

Members went on to discuss the four key elements of the application, which were, in their opinion, flood risk, drainage, foul water drainage, and the access. It was noted that all of these elements had been addressed in the Officer's report and by Members when they had visited the site.

In response to a number of points raised by the Committee, the Development Manager (Enforcement) advised that the gypsy assessment had been met and that the site was suitable for a gypsy site. He also added that the application was not for a personal permission for the applicants but for a gypsy site in general. He also added that the National Planning Policy Framework set out that alternative sites would be required for business usage.

Councillors A Seldon and JG Lester were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- Could assurances be given that all conditions on the site would be enforced.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. The site shall not be occupied by any person other than gypsies and travellers as defined in DCLG Planning Policy for Travellers.**

Reason: To accord with the requirements of Policy H7(6) of the Herefordshire Unitary Development Plan.

- 2. The occupation of the pitches hereby permitted shall be restricted to the owner or tenant of the pitches, their partner, and immediate family defined as children and parents.**

Reason: To accord with the requirements of Policy H7(6) of the Herefordshire Unitary Development Plan.

- 3. The permission hereby approved is for no more than two pitches on the site for the permanent siting of no more than two static caravans and two touring caravans on the land. There shall be no more than 1 additional touring caravan on the site at any one time and for no longer than 14 consecutive days and no more than a maximum of 28 days in any calendar year.**

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 Para 26(b) of the DCLG Planning Policy for Travellers.

- 4. 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.

- 5. No shed shall be brought onto the site until details of its size, design, and location have been submitted to and agreed in writing with the Local Planning Authority. The shed shall be erected in accordance with the approved details and shall only be used for purposes ancillary to the occupation of the static caravans and for no other purpose.**

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 LA2 of the Herefordshire Unitary Development Plan.

- 6. There shall be no more than six vehicles parked on the land at any one time.**

Reason: To safeguard the amenity of neighbouring residents and the landscape character of the area in accordance with the requirements of Policies H13 and LA2 of the Herefordshire Unitary Development Plan.

- 7. 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 28 days of the date of failure to meet any of the requirements set out in (i) to (iii) below:**

(i) Within one calendar month of the date of this permission details shall be submitted in writing of the size, position, and construction of the access, a turning area, the parking area shown on Drawing 1 received on 23 August 2011, and of the creation of a second porous hardstanding in the south-east corner of the site which is to be used for the parking of additional vehicles. The works shall be carried out in accordance with the approved details within 2 calendar months of the details being approved in writing by the Local Planning Authority. No vehicles shall be parked other than in accordance with these approved details.

(ii) Notwithstanding the submitted details the access into the site shall be constructed so that there is clear visibility from a point 0.6 metres above the level of the adjoining carriageway at the centre of the access 2.5 metres from and parallel to the nearest edge of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected, and/or allowed to grow on the area of the land so formed which would obstruct the visibility described above.

(iii) Within one calendar month details of the species and specification for a hedge along the road frontage shall be submitted in writing to the Local Planning Authority. The hedge shall be planted in accordance with the approved details in the planting season following the date of this permission and shall be retained in perpetuity.

Reason: In the interests of highway safety, and to ensure the hedge is ecologically and environmentally rich and to ensure its permanent retention in the landscape, and to confirm with the requirements of Policies DR3 and LA6 of the Herefordshire Unitary Development Plan.

Reasons for approval:

- 1. In making this decision, and noting that the development has been implemented, the Local Planning Authority concluded that there is a need for additional private traveller pitches within Herefordshire and that the site does not dominate the nearest settled community or put undue pressure on the infrastructure. It considered that the development is suitably located to access local services and does not have any significant detrimental impact on residential amenity or the amenity of the surrounding area. The Local Planning Authority therefore concludes that the development is in accordance with the following policies of the Herefordshire Unitary Development Plan 2007:-**

S1 Sustainable development

S2 Development requirements

DR1 Design

DR2 Land use and activity

DR3 Movement

DR4 Environment

H7 Housing in the countryside outside settlements

H12 Gypsies and other travellers

H13 Sustainable residential design

T8 Road hierarchy

LA2 Landscape character and areas resilient to change

LA3 Settling of settlements

LA6 Landscaping schemes

- 2. I38 (N19) Drawing 1 Block Plan Scale 1:500 received 23 August 2011;
Drawing 2 Redesigned Access Scale 1:100 received 23 August 2011**
- 3. I05 (HN10)**

188. S113542/F - 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. He added that the applicant was happy to reduce the gradient of the access via a condition in order to address the concerns raised at the recent site visit.

In accordance with the criteria for public speaking, Mr Barber, representing Withington Group Parish Council, and Dr Scotcher, a neighbouring resident, 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 concerns of the neighbouring residents and the Parish Council should be considered when Members make a decision in respect of the application.

Members discussed the application and noted that the applicant had agreed to reduce the gradient of the proposed track in response to concerns raised. They felt that this would address the issue of headlights shining into the windows of the property opposite the exit of the track. Members also raised the issue of landscaping and felt that an appropriate landscaping condition should be added to the recommendation.

Members noted that if the application had been submitted through the prior approval route, the application would have been granted.

In response to a question in respect of the bridleway, the Development Supervisor confirmed that the proposed track would not form part of the existing bridleway. In response to further questions he also advised that Hop Barn did not form part of the application and was not a material planning consideration. Finally he confirmed that conditions in respect of the gradient and landscaping could be added to the recommendation.

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

- A condition should be added to restrict the track for agricultural vehicles only.
- The enforcement action in respect of the site as a whole needed to be communicated to the Parish Council.

In response the points raised by the local ward member, the Head of Neighbourhood Planning advised that it would be difficult to enforce a condition in respect of agricultural use of the track. He also advised Members that the other issues on the site needed to be addressed separately and that the enforcement issues referred to were not a material planning consideration in the determination of this application.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1. Within three months of the date of the permission details of a re-profiled 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 re-profiled gradient shall be completed within 2 months of approval of the works.**
- 2. Within three months of the date of this permission a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority.**

Reason: To protect the amenity of the local area and to comply with Policy LA6 of the Herefordshire Unitary Development Plan.

- 3. The soft landscaping scheme approved under condition 2 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following date of this permission. The landscaping shall be maintained for a period of 5 years.**

During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Reasons for approval:

- 1 In making this decision and noting that the development had been commenced the local planning authority concluded that the development would not harm the visual or residential amenity of the area, would not have an adverse impact on the listed building in the vicinity and does not affect any archaeological interest in the area.**

The local planning authority concludes that the development is in accordance with the following policies of the Herefordshire Unitary Development Plan 2007.

DR1 – Design

DR2 – Land Use and Activity

DR3 – Movement

ARCH1 – Archaeological Assessments and Field Studies

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

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 gave Members details in respect of the contribution for affordable housing offered by the applicant and advised that it was significantly lower than had been suggested by the independent District Valuer.

The Head of Neighbourhood Planning drew Members' attention to paragraphs 6.37 – 6.39 of the report which advised that a verbal update would be provided to the Committee. He therefore advised that the issues of biodiversity and water quality did not warrant an additional reason for refusal.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors JD Woodward and SM Michael, the local ward members, commented on a number of issues, including:

- The application had little support from neighbouring residents or the nearby school.
- The building, which hadways been a prominent building in the area, was built in 1914 for then ten surgeon general.
- The loss of the building would cause substantial harm to the conservation area.
- The proposed design and layout of the proposed buildings would not enhance or preserve the area.
- The proposal to include 17 parking spaces for all of the residents was unreasonable and would result in parking issue in the area.

- The lack of affordable housing on the site was regrettable. The Rose Gardens development in Ledbury Road was highlighted as a good example which had included affordable housing.
- The density and height of the proposed building was not in keeping with the surrounding area.
- The application was also contrary to Unitary Development Plan Policies DR2 and S7.
- The neighbouring residents had made it clear that they wished for the house to be retained.
- The nearby Lord Scudamore school felt that the proposal would have a detrimental effect on the school.

Members noted the comments of the local ward members and expressed their concern in respect of the proposed 17 parking spaces for the 40 dwellings. Further concern was expressed in respect of the proposed design of the development.

In response to a point raised by the Committee, the Development Manager (Northern Localities) advised that their concerns in respect of car parking provision as well as the impact on the nearby school had been noted and could be included within the reasons for refusal.

Councillors JD Woodward and SM Michael were given the opportunity to close the debate. They advised that their earlier comments remained but they had no further points to raise.

RESOLVED

That in respect of DMS/113131/F that planning permission be refused for the following reasons:

- 1. The proposal fails to make adequate provision for affordable housing. The local planning authority is not satisfied that the Affordable Housing and Viability Statement submitted in support of the application is sufficiently detailed and does not demonstrate that a provision of on-site affordable housing would be economically unviable, or that the low level of contribution proposed for an alternative off-site provision is warranted. In the absence of an on-site affordable housing provision or sufficient justification for non provision, or an equivalent off-site contribution, the proposal is contrary to Policy H9 of the Herefordshire Unitary Development Plan.**
- 2. The proposal fails to demonstrate that there are sufficient public benefits to outweigh the loss of Victoria House as a building considered to be locally important. By virtue of its detailed design, scale and mass, the proposed building does not respect or reflect the scale or pattern of development in this part of the conservation area, contrary to Policies DR1, HBA6 and HBA7 of the Herefordshire Unitary Development Plan, or the guiding principles of the National Planning Policy Framework.**
- 3. In the absence of an agreed Draft Heads of Terms Agreement the proposal is contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's adopted Supplementary Planning Document - Planning Obligations.**

4. **The proposed development makes insufficient provision for off-street parking. The local planning authority is not convinced by the applicant's justification for reduced parking levels within the site and considers that the proposal would lead to sporadic parking within the local road network and a consequent reduction in highway safety, contrary to Policies DR3 and T8 of the Herefordshire Unitary Development Plan.**
5. **By virtue of the scale, mass and close proximity of the building to the southern boundary of the site, the proposal will have an unacceptably overbearing effect on an area immediately adjacent within the grounds of Lord Scudamore Academy that is used for open-air-learning. It is considered that this would prejudice the amenity and continued use of this area of land, contrary to Policy DR2 of the Herefordshire Unitary Development Plan.**

That in respect of DMS/113132/C that planning permission be refused for the following reason:

1. **In the absence of an approved scheme for the redevelopment of the site the demolition of the existing building is unwarranted and the clearance of the site would be detrimental to the character and local distinctiveness of the Conservation Area contrary to Policies HBA6 and HBA7 of the Herefordshire Unitary Development Plan.**

190. N113545-F - LAND BEHIND 43 DUKE STREET, KINGTON, HEREFORDSHIRE, HR5 3BL

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 added that it was agreed that the access was not up to required standards but felt that a balance had to be taken between this and the improvements the application would bring to the area.

In accordance with the criteria for public speaking, Mr Widdowson, representing Kington Town Council, and Ms Rolls, a neighbouring resident, spoke in objection to the application and Mr La Barre, a neighbouring resident, spoke in support.

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

- The access did not meet the required criteria.
- There were a number of small dwellings available on the market in Kington as well as a number of high density developments.
- The site would accommodate one or two dwellings but four was excessive.
- The suggestion that local traffic flow was slow through Duke Street was disputed.
- It was further noted that the access was onto a busy road where a number of pedestrians would be walking at all times of day.
- Concern was expressed as to whether emergency vehicles would be able to gain access to the dwellings through the narrow access.
- The access came onto the main route for children going to the town's primary and secondary schools.

Members discussed the application and had serious concerns in respect of the access. The comments of the transportation manager were noted and concern was expressed in respect of his comments regarding vehicular speeds on Duke Street. Members felt that the site visit had been extremely beneficial in assisting them with the concerns which had been raised in respect of the access.

Members noted the concerns in respect of emergency vehicles accessing the site and agreed that they would not be able to navigate the proposed access.

Members discussed the reasons for refusal with Unitary Development Plan Policies H13, S1, T8 and DR3 being put forward as reasons for refusing the application.

In response to a question, the Principal Planning Officer advised that there were currently two accesses to the site although one was through a historic wall which had been breached, the application included a proposal to restore this wall, however it could be used for access to the site during the construction phase. In response to a further question he advised that the proposed access was 3.1 metres wide.

The Locum Lawyer (Planning & Regulatory) requested clarification in respect of the reasons for refusal. After a brief discussion policies H13 and DR3 emerged as the two key policies in refusing the application. A refusal of the application on these grounds was moved and seconded.

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

- The owner of the Oxford Arms had not formally objected to the application as he was not permitted to under the terms of a legal agreement signed when he purchased the premises.
- In response to a question the Kington Town Council were all elected Members.
- There was not a need for small houses in the area, there were already a number of vacant dwellings in the town.
- The previous 4-5 years had seen approximately a 20% increase in the number of houses in Kington.

The Head of Neighbourhood Planning and the Locum Lawyer (Planning and Regulatory) discussed the legal implications in respect of the application being refused contrary to the Principal Planning Officer's recommendation in accordance with paragraph 5.13.10 of the Council's constitution. They were both of the opinion that a further information report was not required and therefore the Committee proceeded to the vote.

RESOLVED

THAT planning permission be refused for the following reasons:

- 1. It is considered that the proposed access would compromise the safety of both vehicular and pedestrian traffic along Duke Street, by virtue of the narrow nature, the poor visibility at the point junction between the site access and Duke Street and the consequent intensification in traffic movements on the local road network. The proposal is therefore contrary to Policies DR3, H13 and T8 of the Herefordshire Unitary Development Plan.**

[At the conclusion of the item the meeting was adjourned (1:15 pm), the meeting was then reconvened at 1:45 pm.]

191. S113577/F - ALTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5ND

Councillor BA Durkin, the Vice-Chairman was in the Chair for the following item as the Chairman had declared a prejudicial interest.

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, Councillor PGH Cutter, the Chairman acting as Local Ward Member, and Mr Sneddon, the applicant's agent, spoke in support of the application. Councillor PGH Cutter left the Council Chamber and took no further part in the debate once he had concluded his statement.

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

- There was a need for a care home in Ross-on-Wye.
- Some families currently travelled a 24 mile round trip to visit elderly relatives.
- The Planning Inspector had decided that the location was suitable during the previous appeal for a smaller residential home on the site.
- The application would provide 94 full time jobs which would be welcomed in the current economic climate.
- The application was in accordance with Policy E5 of the Council's Unitary Development Plan and should therefore be approved.
- The application appeared to result in a good level of employment on employment land.
- Ross Town Council were also in support of the application. (a statement from the Town Council in support of the application was relayed to Members.)
- Landscaping and car parking provision at the site should be reconsidered by the applicant.

Members noted that the application was solely for an increase from 60 to 90 beds on the site as an application for a 60 bed unit had already been permitted by the Planning Inspector after the Committee had previously refused it. The issue of parking on the site was echoed with the Committee being of the opinion that further car parking provision was required.

A resolution to Grant Planning Permission was moved and seconded. The Locum lawyer (Planning and Regulatory) advised the Member who had moved that the application be approved that reasons for approval would be required. It was confirmed that although the application did not comply with UDP Policies E5 and CF7 of the . This was outweighed by the benefits of the jobs that would be created, the application would not result in a shortfall in Employment land; the site was sustainable and considerable weight was given to the Inspectors Appeal decision on part of the site. In response to a further question from the Locum Lawyer, the Member who had moved the motion to approve the application confirmed that conditions relating to noise, highways, landscaping, compliance with plans and any other conditions deemed necessary by officers would be required as well as a Section 106 agreement addressing the highways works referred to in the report.

Members continued to discuss the application and were generally in support of it although some concern was expressed in respect of the proposed design of the development. Further reasons for approving the application were also put forward by the

Committee during their debate, these included Policies S1, S4, E5 and DR2 of the Council's Unitary Development Plan.

In response to points raised during the debate, the Head of Neighbourhood Planning advised that there was alternative employment land at Model Farm at Oveross. He also advised that the proposed car parking provision was actually in excess of that required by the relevant council policy. Finally in light of the comments made by Members were they proposing that a commencement time of one year or three years be considered in respect of the application.

Members were of the opinion that the application should be subject to a one year commencement period from the date of the decision notice after the Section 106 had been signed.

Councillor AM Atkinson was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

RESOLVED

That planning permission be granted subject to a Section 106 agreement, and with the Conditions referred to and any further conditions deemed necessary by officers.

192. S113564/F - THE BULL RING INN, KINGSTONE, HEREFORD, HR2 9HE

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 the criteria for public speaking, Mr Cleveland, representing Kingstone Parish Council, spoke in objection to the application and Mr Braithwaite, the applicant's representative, spoke in support.

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

- There had been a question at the Site Visit regarding the ownership of the land at the top section of the site, in 2002 it was common land but would soon be in the ownership of Rosemary Cottage.
- Adequate visibility from the access would be difficult to achieve.
- Concerned that the viability of the public house could be affected by the reduction in parking provision.
- Would not like to see the only public house in the village close as a result of the application.

Members expressed concern in respect of the application with particular reference being made to the impact it could have on the viability of the business. It was felt that the amenity of the public house could be affected through the removal of a large portion of the existing car park.

Members also had concerns in respect of the viability of the proposed dwellings due to their close proximity to the existing public house, although it was noted that this was not a material planning consideration.

Another area of concern raised by Members related to the proposed access with reference being made to the poor visibility for vehicles exiting the site to the left.

Members discussed the application and made specific reference to Unitary Development Plan Policies DR2, DR3, CF6 and T8 in their reasons for refusal. In response to comments raised by the Committee, the Development Manager (Northern Localities) advised that the issue regarding the proximity of the proposed dwellings to the public house should be omitted from the reasons for refusing the application, as there were no good planning reasons for refusal on this ground.

Councillor JF Knipe was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be refused.

RESOLVED:

THAT planning permission be refused for the following reason:

- 1. The proposal will result in the loss of part of an existing community facility that would undermine the viability of the public house. In addition the proposed means of access will not provide the required level of visibility and would be detrimental to highway safety. Therefore, the proposal is considered to be contrary to the provisions of policies CF6, DR2, DR3 and T8 of the Herefordshire Unitary Development Plan.**

193. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 2.50 pm

CHAIRMAN

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.

