

**MINUTES of the meeting of Planning Committee held at The Council Chamber - The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday 7 April 2017 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice Chairman)

Councillors: BA Baker, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, MD Lloyd-Hayes, FM Norman, GJ Powell, AJW Powers, A Seldon, WC Skelton, EJ Swinglehurst and LC Tawn

**122. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, JA Hyde, TM James and D Summers.

**123. NAMED SUBSTITUTES**

Councillor BA Durkin substituted for Councillor CR Butler, Councillor MD Lloyd-Hayes for Councillor D Summers and Councillor GJ Powell for Councillor JA Hyde.

**124. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**125. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15 March 2017 be approved as a correct record and signed by the Chairman.

**126. CHAIRMAN'S ANNOUNCEMENTS**

There were none.

**127. APPEALS**

The Planning Committee noted the report.

**128. 163996 - JUNCTION OF THE STRAIGHT MILE AND B4399, ROTHERWAS, HEREFORD, HR2 6JL**

*(Change of use to high quality public open space and a landmark public art feature. application for a skylon tower, a 46m high, vertical, corten steel landmark feature located within the heart of Skylon Park, Hereford Enterprise Zone.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr N Kerr, Vice-Chair of the Enterprise Zone Executive Board, spoke in support of the application.

The local ward member was unable to attend the meeting. In accordance with the Council's Constitution, Councillor MD Lloyd-Hayes, spoke on the application on his behalf.

She commented that the proposal reflected Hereford's manufacturing heritage as a centre for engineering. The landscaping providing public open space was welcome. The construction itself was contemporary, attractive, and an iconic piece of public art. She supported the application.

In the Committee's discussion of the application the following principal points were made:

- The structure would be a landmark of which the County could be proud. It was at a strategic junction. The scale was proportionate. It would have a limited visual impact on the landscape.
- Maintenance of the public open space and water feature would be important.
- It was to be hoped that local craftsmen would be involved in the design and construction.
- It was asked whether there was scope to use the structure for visual displays and other purposes. The Lead Development Manager commented that this would be a matter for the applicant to discuss with the authority. Any proposal would need to be considered on its merits.
- In response to further questions about lighting of the structure the Principal Planning Officer commented that consideration would need to be given amongst other things to a potential conflict with nature conservation interests. An additional condition could govern such matters. Members supported this addition.

The Lead Development Manager commented that the Committee had properly assessed the impact on nearby heritage assets.

Councillor Lloyd-Hayes was given the opportunity to close the debate on behalf of the local ward member and reiterated her support for the application.

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

1. **C01 - Time limit for commencement (full permission)**
2. **C06 - Development in accordance with the approved plans**
3. **C13 - Samples of external materials**
4. **C96 - Landscaping scheme**
5. **C97 - Landscaping scheme - implementation**
6. **Construction Method Statement**
7. **The recommendations set out in the ecologist's reports from Midland Ecology dated November 2016 and March 2017 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation schedule and habitat enhancement scheme should be submitted to, and be approved in writing by, the local planning authority, and the scheme shall be implemented as approved.**

**Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment**

**and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).**

**To comply with Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).**

- 8. A period of at least one year of ecological monitoring should be established unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. On completion of the monitoring, confirmation of the success or otherwise of the mitigation measures should be made to the local planning authority in writing together with any photographic evidence of the measures implemented.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).**

**Reason: To comply with Policies LD2 and LD3 of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).**

- 9. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice**
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors**
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

- 10. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

11. **The Remediation Scheme, as approved pursuant to condition no. 10 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

12. **Prior to the first use of the development hereby permitted, full details of all lighting to be installed upon the site (including upon or within the fabric of Skylon Tower) shall be submitted to and approved in writing by the local planning authority. No external lighting shall be installed upon the site without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

**Reason: To safeguard the character and amenities of the area and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

#### **INFORMATIVES:**

1. **Statement of positive and proactive working**
2. **I09 Private apparatus within highway**
3. **I51 Works adjoining highway**

*(The meeting adjourned between 10.35 – 10.45 am.)*

#### **129. 163646 - BROCKINGTON, 35 HAFOD ROAD, HEREFORD, HR1 1TA**

*(Demolition of the former office buildings and the redevelopment of the site to provide a 70 bed care home (use class c2).)*

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, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr S Kerry, Clerk to Hereford City Council spoke expressing some opposition to the Scheme. Mr I Holme, the applicant's architect, spoke in support of the application.

The local ward member had indicated that they would not attend the meeting.

In the Committee's discussion of the application the following principal points were made:

- Several Members expressed disappointment that the proposal involved the demolition of Brockington House and questioned whether this was necessary. The possibility of retaining at least the façade of the building was also raised. It was, however, also acknowledged that a purpose built building had its advantages.
- It was suggested that the existing building had been degraded as an asset. It was set back from the road and, given the nature of the extensions to it the impact on the conservation area of the new development would if anything be a marginal benefit.
- A concern was expressed that the local health care provider had not been consulted on the proposal. In reply the Lead Development Manager drew attention to paragraph 4.5 of the report which stated that the proposal would be welcomed by the Council, and by Herefordshire Clinical Commissioning Group. Several members commented on the benefit the scheme would provide.
- Concern was also expressed as to whether the proposed parking provision would be sufficient taking account the number of both staff and residents. There was a wish to avoid on-street parking. The Lead Development Manager commented that under the council's adopted standards the approved level of parking for such a proposal would normally be 17-18 spaces. The proposal currently provided for 31 spaces and a further 3 spaces could be accommodated within the existing design. Members supported this additional provision being secured.
- The comments of the Conservation Manager (Trees) on the protection of trees on the site were welcomed. The Principal Planning Officer commented that the protection of trees on the site had formed an important part of the discussions about the design of the proposal and condition 6 addressed this point.
- In response to a question the Principal Planning Officer confirmed that it would be possible to include provision within the conditions for the reuse of materials from the house where this was considered appropriate. Members supported such a condition.

**RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to the conditions set out in the report and an amendment to condition number 5 relating to parking provision and the reuse of materials from Brockington House where appropriate:**

1. **A01 - Time limit for commencement (full permission)**
2. **C08 - Amended plans**
3. **C13 - Samples of external materials**
4. **C26 - Details of window sections, eaves, verges and barge boards**
5. **C48 - Archaeological survey and recording (as amended)**
6. **C90 - Protection of trees/hedgerows that are to be retained**
7. **C95 - Details of boundary treatments**
8. **C96 - Landscaping scheme**
9. **C97 - Landscaping scheme - implementation**
10. **CAB - Visibility splays**
11. **CAE - Vehicular access construction**
12. **CAL - Access turning area and parking**

13. **CAZ - Parking for site operatives**
14. **CB2 - Cycle parking**
15. **CB3 - Travel Plan**
16. **CBK - Restriction on hours during construction**
17. **CCK - Details of slab levels**
18. **CD6 - Comprehensive and integrated draining of site**
19. **CE6 - Efficient use of water**

**INFORMATIVES:**

1. **Statement of positive and proactive working**
  2. **I05 - No drainage to discharge to highway**
  3. **I08 - Section 278 Agreement**
  4. **I09 - Private apparatus within highway**
130. **162601 - LAND ADJACENT TO UPPER WESTON, WESTON UNDER PENYARD, HEREFORDSHIRE**

This item was withdrawn from the agenda prior to the meeting at the agent's request following consultation by officers with the Chairman.

131. **DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix- Schedule of Updates**

The meeting ended at 11.40 am

**CHAIRMAN**

## PLANNING COMMITTEE

Date: 7 April 2017

### 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.

## **SCHEDULE OF COMMITTEE UPDATES**

**163646 - DEMOLITION OF THE FORMER OFFICE BUILDINGS AND THE REDEVELOPMENT OF THE SITE TO PROVIDE A 70 BED CARE HOME (USE CLASS C2) AT BROCKINGTON, 35 HAFOD ROAD, HEREFORD, HR1 1TA**

**For: Prime Care Home Developments 2 Limited/Hereford Care Home Limited per Mr Bob Smaylen, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX**

### **ADDITIONAL REPRESENTATIONS**

In response to the amended proposals the City Council responded on 1<sup>st</sup> March 2017 as follows:-

*“No strong objection from Hereford City Council Planning Committee on Application 163646. However, we find it shameful that such a historic building need be demolished. It would be in the interest of preservation to keep it up. There is also no tree appraisal or report included, and this must be provided to gain our approval.”*

### **OFFICER COMMENTS**

In response to the City Council's amended comments, the case officer replied on 2<sup>nd</sup> March to confirm that a tree appraisal had been submitted and was available to view on the website. It was requested that an updated reply be submitted once the City Council had reviewed the tree appraisal. None was forthcoming.

### **NO CHANGE TO RECOMMENDATION**