

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 8 August 2012 at 10.00 am**

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

**Councillors:** PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, TM James, Brig P Jones CBE, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, FM Norman and PJ Watts

**In attendance:** Councillors PJ McCaull and SJ Robertson

**32. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors PA Andrews, AN Bridges, G Lucas, and GR Swinford.

**33. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors TM James and JF Knipe attended the meeting as substitute members for Councillors PA Andrews and AN Bridges.

**34. DECLARATIONS OF INTEREST**

10. N121260CD - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP.

Councillor Brig P Jones CBE, Disclosable Pecuniary, The Councillor advised that he was a board member for LARC and that this had been declared on his register of interests.

10. N121260CD - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP.

Councillor RC Hunt, Disclosable Pecuniary, The Councillor advised that he was a board member for LARC and that this had been declared on his register of interests.

12. S121627F - IVY GREEN COTTAGE, ABBEYDORE, HEREFORD.

In accordance with paragraph 5.13.18 of the Council's Constitution Rebecca Jenman left the room during the consideration of the item as it related to her own planning application.

**35. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 18 July 2012 be approved as a correct record and signed by the Chairman.

**36. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements made.

**37. APPEALS**

The Planning Committee noted the report.

### **38. ENFORCEMENT REPORT - 1 OCTOBER 2011 - 31 MARCH 2012**

The Team Leader (Enforcement) presented the report detailing enforcement action undertaken between October 2011 and March 2012. In response to a question from the Committee he advised that 'untidy land' applied to not only land but also buildings that had a detrimental impact on the locality, he added that it was a subjective matter and that there was no strict definition for 'untidy land'.

In response to a question in respect of staffing levels, the Team Leader confirmed that the enforcement section was operating with a full complement of staff.

One Member of the Committee requested that the Council take a proactive approach to enforcement with closer working with social landlords in respect of untidy gardens and such matters.

#### **RESOLVED**

**THAT the report be noted.**

### **39. N121348F - PENCOMBE HALL REST HOME, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4RL**

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 Mitchell, a neighbouring resident, spoke in objection to the application and Mr Brown, the applicant's agent, spoke in support.

*Councillor A Seldon, one of the local ward members, had advised the Chairman that he could not be present at the meeting but had provided the Democratic Services Officer with a written statement which was read out to the Committee. [Amended at Planning Committee 29 August 2012]*

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

- The proposal was not acceptable due to the scale and mass of the development and the proposed location.
- The development would result in a dominant and discordant feature in an isolated and unsustainable location.
- The application was not finely balanced, as suggested in the officer's report, and it should be refused contrary to the recommendation.
- Due to the isolated rural location and infrequent bus service the application was contrary to Unitary Development Plan Policy CF7.
- A previous application on the site was refused by Committee in 2007 due to the fact that the site was unsustainable.
- The application was found to be contrary to Policies S1, S2 and DR7 at that time, the policies all remain and a refusal should be based on those same policies.
- It could not be guaranteed that either beds or jobs associated with the proposal would go to local people.
- An application was approved for 40 beds in 2007, which had never been implemented, and surely this proved that there was not a need for such a large number of additional beds in the County.
- A condition had been recommended limiting the use of the beds to elderly mentally infirm patients, would this be enforceable.

- The application could not be viewed as an extension as it was a separate self-contained unit which would raise doubts over the future of Pencombe Hall.
- The proposed development was oversized, overbearing and dominant and did not compliment Pencombe Hall as the proposed finish was completely different to the existing building.
- The concerns raised by the residents of the neighbouring coach house in respect of light pollution and overlooking should be considered.
- Landscaping on the site should enhance the proposed development and not try to hide it; if a development has to be hidden is it really acceptable.

In response to a question from the Committee, the Principal Planning Officer advised that the previous application on the site, although for outline permission only, was in a similar location to the current proposal but it was larger.

Members discussed the application with a number of the Committee in general agreement with the local ward member. They felt that the proposed development was out of keeping with the existing Pencombe Hall due to its scale, mass and design. They also had concerns in respect of the unsustainable nature of the site. It was suggested by two members of the Committee that a smaller 20 bed courtyard style development on the site would be welcomed.

However other Members of the Committee were of the opinion that the application should be approved with an additional condition tying the new building to the existing Pencombe Hall in order to address concerns in respect of the long term future of the existing building. It was noted that a 40 bed facility had already been granted on the site in 2007, although it was further noted that the permission had now lapsed.

One Member of the Committee noted that Pencombe Hall had been an EMI unit for 25 years, it was considered that the facility would not have remained open for such a long period of time had it not been sustainable. It was further noted that due to the way the land sloped the original building would still remain the dominant feature on the site.

In response to the point in respect of a legal tie between the two buildings, to ensure that the development remained as an extension and addition to the existing Hall, and could not be sold off and operated independently from the Hall, the Locum Lawyer (Planning and Regulatory) advised that this could be achieved through a Section 106 agreement. In response to a further question the Head of Neighbourhood Planning confirmed that the tie could also be achieved through a suitable condition but that a section 106 agreement would be more legally secure.

Members continued to debate the application and noted that the application was finely balanced. The concerns in respect of drainage were addressed by the Committee with reference being made to the committee report and update sheet which advised that the drainage issues had been overcome. The support from the Parish Council was also noted.

In reference to the rural setting of the development, a number of members were of the opinion that this was one of the key factors that would make the development appealing to people seeking the required level of care.

In response to a question from a Member of the Committee, the Principal Planning Officer confirmed that the proposed building was 52 metres in length at its longest point and 23 metres wide at its widest point.

Councillor Lester was given the opportunity to close the debate. He reiterated his opening remarks and raised additional points, including:

- The application had resulted in just three letters of support but had received 13 letters of objection as well as a petition signed by 45 people.
- The proposed extension was larger than the existing building.
- The proposal would result in 60 care beds in an unsustainable location.

A motion to refuse the application contrary to the case officer's recommendation was lost and the resolution as set out below was then agreed.

**RESOLVED:**

**That subject to the completion of a Section 106 agreement and there being no objection from Natural England, planning permission be granted subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
  2. **C01 Samples of external materials**
  3. **D04 Details of window sections, eaves, verges and barge boards**
  4. **D10 Specification of guttering and downpipes**
  5. **F17 Obscure glazing to windows**
  6. **G04 Protection of trees/hedgerows that are to be retained**
  7. **G11 Landscaping scheme – implementation**
  8. **I16 Restriction of hours during construction**
  9. **The development hereby approved shall not commence until a plan/specification identifying the treatment of foul and surface water drainage from the whole site, based on sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The plan shall give projected flow rates for foul discharge and shall also ensure nutrient out-fall is below the consented threshold. The scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.**
- Reason: To protect the water environment, ensure foul drainage complies with consented minimum discharges and to conform to Policy DR4 of the Herefordshire Unitary Development Plan and Habitats Regulations 2010.**
10. **B01 Development in accordance with the approved plans**
  11. **That the facility be used solely for the usage as specified in the application.**

**REASON FOR APPROVAL:**

1. **The proposal is an addition to an existing, well established site, with the new proposed building contained within the existing planning unit. Therefore the principle of an extension is considered acceptable and sustainable. The overall scale of the building reflects the current identified need within the area and has been carefully designed and sited on the site to minimise the landscape impact, whilst ensuring the context and constraints of the existing site are protected. The proposal will not harm the visual landscape character or setting of the impressive existing Hall**

**building. The overall design of the proposal has also ensured that there will be no significant harm to the amenities of nearby residents. The proposal therefore accords with Policies S1, CF7 and DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

## **INFORMATIVE**

- 1. The applicant is advised to contact the Local Planning Authority in relation to condition 9 above prior to submitting details so that advice can be given in relation to nutrient out fall and the consented thresholds.**

### **40. S112612F - LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ**

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 the Committee that amended plans had been received that addressed the outstanding design and layout matters and the recommendation was therefore amended accordingly.

In accordance with the criteria for public speaking, Ms Jackson, the applicant's agent, spoke in support of the application.

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

- The Parish Council apologised for not being in attendance to speak at the meeting.
- There were concerns in respect of sewerage issues in the area.
- The locality had been described as of great archaeological interest in a 1990 survey.
- The existing foul water system had still not been adopted by Crest Nicholson despite this commitment being made when their 2009 planning permission was considered by committee.
- The site was a greenfield site, the Council should look at availability of brownfield sites and more sustainable sites before granting permission on the application site.
- The Section 106 agreement did not include a contribution to Holmer school or the Wentworth Park play area which was in need of updating.

The Committee opened the debate by discussing their concerns in respect of the application. They discussed the National Planning Policy Framework which required the authority to demonstrate a 5 year housing land supply as well as a 5% buffer on top of this. However they were of the view that there were other, more suitable, plots of land throughout the county which could fulfil the demand. The Committee felt that developers should investigate the possibility of developing brownfield sites within the city prior to applying for residential development on rural, greenfield sites. They were also of the opinion that the NPPF guidance should not be viewed as an opportunity for developers to expand already substantial housing developments.

They also voiced their concerns in respect of the previous issues of non-compliance in respect of commitments to adopt the existing drainage network.

The Committee continued to debate the application and expressed their concerns in respect of the expansion of an already large development of 300 houses. They had concerns in respect of the impact the application would have on the neighbouring

landscape as well as the lack of infrastructure capacity both above and below ground. In this regard, they also had concerns regarding increased traffic on Roman Road.

In response to a question in respect of the Landscape Officer's comments, the Principal Planning Officer advised that the objection related to the landscape character and not visual impact.

The Committee went on to discuss the key policies in respect of the application. They were of the opinion that the application was contrary to Unitary Development Plan policies H7, CF2, DR4 and LA2 and should therefore be refused.

In response to the issues raised in respect of drainage, the Principal Planning Officer advised that the drainage from the site would discharge to the adopted drainage network via the main development which was also subject to an adoption agreement with Welsh Water thus by-passing the unadopted system. He added that the Roman Road pumping Station had now been adopted and that a new pumping station would also be adopted by Welsh Water. Therefore inadequate drainage would not be an appropriate reason for refusing the application particularly as Welsh Water raised no objection.

The head of Neighbourhood Planning and the Locum lawyer (Planning and Regulatory), representing the Monitoring Officer, both felt that the decision would be difficult to defend if challenged and as a result of this it was advised that a Further Information Report would be required. The determination of the application would therefore be deferred until the next meeting of the Planning Committee.

Councillor Robertson was given the opportunity to close the debate. She reiterated her opening remarks and added that she felt that the application should not be deferred.

**RESOLVED:**

**THAT the determination of the application be deferred in accordance with paragraph 4.8.10 of the Council's constitution pending a Further Information Report.**

**41. N121260CD - GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NP**

The Team Leader (Enforcement) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. In respect of an issue raised at the site visit attended by members on the previous day, the team Leader advised that the tree referred to by Members was subject of a Tree Preservation Order. He also advised the Committee that the cost of demolishing the existing wall and building a new wall would be £20,000; the cost of stabilising the existing wall would be £13,000; and the cost of erecting a new fence would be £14,000

In accordance with the criteria for public speaking Mrs Hamilton and Mrs Butler spoke in objection to the application and Mr Hunt, the applicant's agent, spoke in support.

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

- The site visit undertaken the previous day had been beneficial.
- The condition was put in place to safeguard the privacy of Mrs Butler and it should be enforced.
- Mrs Butler had been patient during the works which had been expected to be concluded in August 2011 but were still ongoing.

- The communications between Council officers did nothing to enhance the Council's reputation.

The Committee discussed the application and were disappointed that the condition had not been adhered to and was now subject to an application to remove it. They felt that Mrs Butler had been tolerant and patient during the development process and that the Council should honour the existing condition and raise the height of the wall as initially agreed. It was noted that the application related to a £2.9 million development and that the cost of raising the wall was a small fraction of this.

Councillor McCaull was given the opportunity to close the debate. He reiterated his opening remarks and raised additional points, including:

- Grange Court had been moved from Broad Street to its current location and was going to be a major tourist attraction for the County.
- Mrs Butler previously lived next door to a quiet garden area but this had now been transformed into an area which would attract a high number of visitors.
- The condition should remain in order to protect the privacy of Mrs Butler.

**RESOLVED:**

**THAT the application be refused as the increase in the height of the wall is required to protect the amenity and privacy of the neighbouring property and the conditions still serves a planning purpose.**

**42. N121109FH - UPPER HORTON FARMHOUSE, THORNBURY, BROMYARD, HEREFORDSHIRE HR7 4NG**

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.

**RESOLVED:**

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

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **I16 Restriction of hours during construction**

**Reasons for Approval**

**In reaching this decision the local planning authority had regard to the scale, size and design of the proposed garage building in relation to the host dwelling and its surroundings. The proposed building is not considered to detract from the original building and is in keeping with the overall character of the existing dwelling. The proposal is therefore considered to comply with policies DR1 and H18 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

**43. S121627F - IVY GREEN COTTAGE, ABBEYDORE, 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.

**RESOLVED:**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before 8 August 2013.

**Reason:** To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4th March 2009 to suspend (effective from 1st April 2009) the requirements of the Authority's Planning Obligations' Supplementary Planning Document (February 2008) in relation to all employment developments falling within Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, the employment element of any mixed use development and residential developments of five dwellings or less.

2. B02 Development in accordance with approved plans and materials
3. F07 Domestic use only of garage
4. F14 Removal of permitted development rights
5. G11 Landscaping scheme - implementation
6. H03 Visibility splays
7. H05 Access gates
8. H06 Vehicular access construction
9. H09 Driveway gradient
10. H12 Parking and turning - single house
11. H13 Access, turning area and parking
12. The recommendations set out in the Method Statement documents dated 6 August 2012 should be followed in relation to the identified species and the work shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) the Conservation of Habitats and Species Regulations 2010 and to comply with Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan

**Reason for Approval**

1. The new dwelling replaces a dwelling with established use rights and one not of significant architectural or historic interest. The new dwelling is proportionate in scale and massing to the existing dwelling and utilises sympathetic materials. A new access and on-site parking will improve



highway safety and the interests of biodiversity have also been addressed. Therefore, the proposal accords with Policies H7, HBA8, DR1, DR2, DR3, NC1, NC3 and NC7 of Herefordshire Unitary Development Plan together with the NPPF.

**INFORMATIVES:**

1. **HN01 Mud on highway**
2. **HN04 Private apparatus within highway**
3. **HN05 Works within the highway**
4. **HN10 No drainage to discharge to highway**
5. **HN28 Highways Design Guide and Specification**

**44. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 4)**

The meeting ended at 1.20 pm

**CHAIRMAN**



# PLANNING COMMITTEE

8 August 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.

**8 N121348/F - NEW BUILDING FOR THE CARE OF THE ELDERLY MENTALLY INFIRM (DEMENTIA UNIT) PROVIDING ACCOMMODATION FOR 30 RESIDENTS AT PENCOMBE HALL REST HOME, PENCOMBE, BROMYARD, HEREFORDSHIRE HR7 4RL**

**For: Mr Cope per Mr Richard Harris, Georgian House, 24 Bird Street, Lichfield, Staffs, WS13 6PT**

Members are advised that the Council's decision to invalidate the RM application N112554/RM is subject to a Legal Challenge, but for the purposes of this application the Committee should not have regard to that challenge and the Council's decision on the RM application should be considered a valid decision.

### ADDITIONAL REPRESENTATIONS

The Planning Ecologist has updated his Habitats Regulation Assessment Screening Report due to further investigations being undertaken. The highlighted changes of the report are as follow;

*There will be a significant increase in water resource use from the proposed development through the conventional mains foul drainage system. The proposed use of a package sewage treatment works (PTW) to a soak-away places indirect impacts on local ecology and receiving waters with a small risk of potential disturbance to qualifying features of the SAC which rely on good water quality. These risks could be from subsequent increase in ground water levels for a non-mains foul discharge and from the level of phosphate given that these may be 2 mg/l at outfall from the PTW.*

*The use of the alternative PTW discharging to a soak-away would impact much less phosphate to the natural environment if coupled with a reed-bed system. The risk of the latter remains unknown as do flow rates and phosphate overspills/outfall from a reed-bed system but as understood, there is limited capacity for the establishment of such a wet system within the landscaping.*

*A foul discharge connection could be established from the proposed package sewage treatment works to main sewage treatment works (STW), via a new connection. With treatment through the PTW facility the optimal 2 mg/l discharge of phosphate could significantly reduce the load upon the sewage treatment works (STW) from the existing system. EA consents for those STWs with phosphate stripping technology allow for discharge concentrations of 1 mg/l of phosphate, confirmed by EA's recent review of consents of STWs which are Habitat Regulation compliant. The local STW Pencombe sewage treatment works, has EA consent for discharges in excess of this.*

### OFFICER COMMENTS

The HRA screening report is clear that a connection with the mains drainage to the public sewage treatment works would ensure levels reaching the receiving watercourses including the R. Wye SAC are via EA's current Habitat Regulation compliant consents for STWs. However it is understood that this position is

potentially subject to change. Therefore it is recommended that should planning approval be given a condition is attached requiring further plans/specifications identifying the treatment of foul and surface water drainage from the whole site before any work commences.

## **CHANGE TO RECOMMENDATION**

That condition 9 be amended as detailed below:

9. The development hereby approved shall not commence until a plan/specification identifying the treatment of foul and surface water drainage from the whole site, based on sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The plan shall give projected flow rates for foul discharge and shall also ensure nutrient out-fall is below the consented threshold. The scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.

Reason – To protect the water environment, ensure foul drainage complies with consented minimum discharges and to conform to Policy DR4 of the Herefordshire Unitary Development Plan and Habitats Regulations 2010.

That the following informative note be added:

### **Informative:**

1. The applicant is advised to contact the Local Planning Authority in relation to condition 9 above prior to submitting details so that advice can be given in relation to nutrient out fall and the consented thresholds.

**9 S112612/F – RESIDENTIAL DEVELOPMENT COMPRISING OF 29 DWELLINGS, WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND OPEN SPACE AT LAND NORTH WEST OF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ**

**For: Crest Nicholson South West, C/O D2 Planning Limited, Suites 3 & 4 Westbury Court, Church Road, Westbury on Trym, Bristol, BS9 3EF**

## **ADDITIONAL REPRESENTATIONS**

Amended plans have been received relating to:

- 1) Changes to the alignment of the access road and adjoining footpaths
- 2) Amendments to some house elevations to introduce surveillance over the public open space and footpaths
- 3) Submission of slab levels details
- 4) Submission of a great crested newt mitigation strategy which includes two newt tunnels
- 5) Increases in the sizes of all garages to accommodate a parked car and cycle storage

In response, the Conservation Manager (Ecology) and Traffic Manager both confirm acceptance of the amended plans and information.

An email has been received from Bill Wiggin MP referring to a telephone conversation with a local resident who requests the development should not be approved until the historic drainage network has been adopted.

The applicants have also confirmed that a pumping station would be required as part of the new foul drainage infrastructure.

## OFFICER COMMENTS

The amended plans address all the design and layout issues raised in the report.

The adoption of the historic drainage network is dealt with independently of the Council and the resolution of this process would not be a justifiable planning reason to withhold permission on this site.

## CHANGE TO RECOMMENDATION

An extra condition requiring the submission of details of the pumping station is required.

**12 S121627/F - PROPOSED REPLACEMENT DWELLING AT IVY GREEN COTTAGE, ABBEYDORE, HEREFORD,**

**For: Mr & Mrs Bowen per Mr Mark Owen, Second Floor Front Office, 46 Bridge Street, Hereford, Herefordshire, HR4 9DG**

## ADDITIONAL REPRESENTATIONS

The applicant's appointed ecologist has submitted a Method Statement as required by condition 12 in the recommendation to this report. This statement sets out the timetable for works on the site in the interests of biodiversity. The Council's Planning Ecologist has confirmed that the Method Statement submitted recently is satisfactory and accordingly a condition requiring submission of a method statement is no longer needed.

The Planning Ecologist recommends the following condition:

*The recommendations set out in the Method Statement documents dated 6 August 2012 should be followed in relation to the identified species and the work shall be implemented as approved.*

*An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.*

*Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) the Conservation of Habitats and Species Regulations 2010 and to comply with Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan*

## OFFICER COMMENTS

The applicants have met the requirements of condition 12, which is the standard condition attached to planning permissions that are the subject of biodiversity appraisals such as this item on the agenda.

## CHANGE TO RECOMMENDATION

New condition 12 as set out above.

