

**DCNC2007/0667/O - SITE FOR THE ERECTION OF AN  
ADDITIONAL BUILDING FOR PROVISION OF CARE TO  
THE ELDERLY MENTALLY INFIRM AT PENCOMBE  
HALL, PENCOMBE, BROMYARD, HEREFORDSHIRE,  
HR7 4RL**

**For: Mr N Williams per Wall, James & Davies 15-23  
Hagley Road Stourbridge West Midlands DY8 1QW**

**Date Received:  
2nd March 2007**

**Ward:  
Bromyard**

**Grid Ref:  
60224, 52072**

**Expiry Date:  
27th April 2007**

Local Members: Councillor A Seldon and Councillor B Hunt

### **Introduction**

The application was reported to the meeting of the Northern Area Planning Sub-Committee on 29<sup>th</sup> May 2007 when it was deferred for a Committee site visit. The site visit took place on 14<sup>th</sup> June 2007. The application was then reported back to the Northern Area Planning Sub-Committee on 27<sup>th</sup> June 2007. At that meeting the Sub-Committee resolved to grant planning permission contrary to the recommendation of the report. This decision was accordingly referred to the Head of Planning Services to determine if it should be reported to the Planning Committee for further consideration.

At its meeting on 27<sup>th</sup> June 2007 the Northern Area Planning Sub-Committee was recommended to refuse this application for the following reason:

**The proposal represents the provision of a new residential care facilities in an open countryside location outside locations where new residential development would be acceptable. Its location is unsustainable by virtue of its remoteness from public transport facilities and services and the development would thereby increase the need to travel by private transport. The applicant has failed to demonstrate that there are sufficient material planning considerations to outweigh these factors and therefore the proposal is contrary to Policies S1, DR2 and CF7 of the Herefordshire Unitary Development Plan 2007 and the guidance in Planning Policy Statement 7 – Sustainable Development in Rural Areas.**

In the debate the members of the Area Sub-Committee discussed the likely future demand for accommodation for the frail elderly including "EMI" units and concluded that there was a need for this facility. They considered that policy CF7 was directed to new developments and not extensions of existing facilities. They also felt that the site was well run and that the development would not be unduly prominent in the landscape.

It was resolved to grant planning permission.

The proposal raises the following issues:

1. The site is in a highly unsustainable location, remote from services and public transport facilities. Development here was well outside any suitable location for new residential development and consequently the site failed the tests set out in policy CF7.
2. The extension of the use was to provide a new building for 40 bedrooms. The existing facility has only 30. Consequently the proposal is of a much greater scale than would normally be implied by the term "Extension". It was, in effect, a substantial new development in open countryside (for which there is no established need).
3. Whilst the Northern Area Planning Sub-Committee gave significant weight to the argument that there is an increasing need for facilities for the frail elderly, it was pointed out in the debate that there is currently no shortage of EMI beds in Herefordshire. There is a shortage in Worcestershire and Shropshire and therefore, if this scheme goes ahead, it is quite likely to serve the needs of those two counties initially. There is no proven need for such a facility in Herefordshire at the moment and, if there were, this would not be the most suitable place for it. The proposals do not relate to the needs of Pencombe and the surrounding countryside. If a need arises in the future in Herefordshire as a whole then that can be addressed through the emerging LDF and/or other policy initiatives. At present there is no need for this facility.
4. The lack of adverse impact on the wider landscape does not overcome the objection, in principle, to this type of development in a remote countryside location.
5. Given the absence of public transport links, and the absence of a sizeable local population from which to recruit staff, any additional employment will inevitably give rise to increased commuting by car. The remoteness of the site will also require visiting professional and visitors to the patients to travel by private transport – to the detriment of the Council's policies on sustainable development and sustainable transport.

In the light of the above arguments it can be seen that the proposal conflicts with the development plan policies which seek to restrict new development in the open countryside without special justification. Consequently, the application has been referred to this meeting of the Planning Committee for further consideration.

The application was again deferred at the meeting of the 13<sup>th</sup> July 2007, in order that members of the Main Planning Committee could make a further site visit. Following this, it was again deferred on 24<sup>th</sup> August due to the receipt of a letter from a Dr Spicer who queried whether the PCT had been consulted on the application and suggested that nursing would have to be provided by the District Nursing service and, with no additional funding likely to be available in the foreseeable future, these resources would be spread more thinly.

Your Officers can advise that the PCT have been consulted throughout the course of this application and have been asked to comment on the letter from Dr Spicer. Their comments are as follows:

*"Herefordshire PCT now understands that the proposal for the development of 40 beds at Pencombe Hall relates to EMI nursing beds. As such, as part of the registration procedure, Mr. Williams would need to demonstrate that sufficient numbers of adequately trained nursing staff were retained by Pencombe Hall to meet the nursing needs of patients occupying the proposed EMI nursing beds. As such, additional demands may be placed on GPs within the area but we would not anticipate that the development of these beds would result in significant additional demands being placed on the District Nursing service and we have received assurances from Mr. Williams to this effect."*

Dr Spicer has also submitted further correspondence stating that the intention of his original letter was simply to ascertain whether the PCT had been consulted on the application. He also advises that he has since spoken to the applicant who has confirmed to him that the PCT are aware of his proposals.

The applicant has also forwarded a copy of a letter that he has received from the PCT in relation to his proposals that reads as follows:

*"I can confirm that experience of mental health services has shown that there is a lack of EMI nursing beds (nursing beds for older people with mental health problems) in Herefordshire.*

*Local demographics clearly tell us that this shortage will get worse in the next few years; therefore additional capacity in a choice of locations to offer greater choice to service users and families is required to address this need.*

*However, as you are aware, we are not able at this time to guarantee to spot purchase beds from you or any other provider within the County."*

Your officers conclude that, although the PCT do not explicitly state whether they are in favour of a provision in this particular location, there is a need for additional EMI bed spaces in the County.

Detailed comments have been received from colleagues in Adult and Community Services and these are as follows:

#### Current Provision

There are currently a number of homes within Herefordshire that are registered for Dementia, over 65 years of age (DE) nursing beds. The majority of these homes are however registered for a number of categories. It is not generally appropriate that services for older people with complex psycho-behavioural disorders are integrated with other client groups in shared facilities and hence comparatively few of these places are utilised for DE provision. There are only two homes (Broomy Hill and Holmer Care Centre) that are registered purely for older people with a mental disorder. The significance of this is that these two homes have built up a knowledge base and expertise in working with people with complex presentations characterized by psycho-behavioural disturbance.

These two homes provide 89 beds, of which 23 are block purchased and 1 spot purchased by the PCT for people assessed as meeting full NHS continuing care, and 3 for respite care. Herefordshire Council currently spot-purchase a further 35 beds in these two homes.

The Council is also spot-purchasing within Herefordshire a further 20 nursing placements in homes registered for DE and 39 placements in general nursing homes for people over 65 years of age with a mental disorder.

There are also 22 people currently placed out of county due to:

- Lack of capacity within Herefordshire.
- lack of appropriate beds in an emergency

- Personal choice, e.g. no appropriate nursing homes in particular areas - people in the Ledbury or Bromyard areas choose homes in Gloucestershire and Worcestershire.
- Personal choice – to be close to family and/or friends
- Top-up issues

There is currently no provision of nursing beds registered for DE within the areas of Bromyard or Ledbury.

**Total registered nursing beds, number of beds registered for Dementia, over 65 years of age (DE) in Herefordshire.**

Area	Total (DE) Nursing Places**	Total registered Nursing Places	Current (DE) nursing placements funded by HPCT and HC	Total nursing placements for older people with mental disorder funded by HPCT and HC
Bromyard	0	28	0	6
Hereford	89	293	65	89
Kington	53	127	8	9
Ledbury	0	36	0	1
Leominster	84*	115	2	9
Ross on Wye	45	103	7	7
<b>Total</b>	<b>271</b>	<b>702</b>	<b>82</b>	<b>121</b>
<b>Out of County</b>	<b>-</b>	<b>-</b>	<b>22</b>	<b>22</b>

*\*Beds in both the homes in Leominster are dual registered for residential and nursing beds – there is no indication of total number of EMI nursing places available –total beds have been included within nursing category*

*\*\*There are 265 beds registered for dementia, over 65 years of age (DE) however the majority of these beds are also registered and used by other service groups, i.e. Old age, not falling within any other category, which reduces the actual availability of DE nursing beds.*

#### Future need

The needs analysis for older people conducted in 2006 anticipated the need for an extra 25 mental frailty nursing care placements funded by social care between 2007-2011.

#### Future Provision

It is anticipated that social care will provide an extra 10 nursing beds for people with dementia, over 65 years of age (DE) via their block contracted beds in Autumn 2008. The extent to which out of County placements are influenced by current availability is not fully understood but it is likely that the needs of some of these individuals could have been better met through local provision.

Within the experience of Herefordshire mental health services, there is a shortage of residential and nursing beds for older people with complex psycho-behavioural disorders. It is not generally appropriate that they are managed with other client groups and the potential to make better use of beds also registered for general

nursing is therefore currently limited both by this and the level of demand for general nursing care places..

Additional comments have also been received:

I would add to this that, at present, this planning application appears to offer the best current opportunity to enhance the supply of EMI beds in the County. It may not be the ideal location and the scale of the development may also be more than we might want. There is indeed no guarantee that we would either require such numbers at this location or in fact be able to secure any capacity we did need at an affordable rate (the PCT would be spot purchasing places at prices to be negotiated). I have no real understanding of what falls within the definition of "planning gain" and guess that seeking agreement on "price" or, perhaps preferably, "eligibility through locality of potential residents", may not be permissible. It would be very nice if it was.

In an ideal world we (with and through the PCT) would be encouraging and commissioning smaller numbers of appropriate beds at strategic locations across the County however this is unlikely to be readily available to us, in a sustainable manner, in the foreseeable future.

The report to the 27<sup>th</sup> June Northern Area Planning Sub-Committee follows.

## **1. Site Description and Proposal**

- 1.1 Pencombe Hall is a large Victorian house that is currently in use as a 30 bed care home for the elderly. It is an impressive building of stone construction with a slate roof, set within landscaped grounds with a number of mature specimen trees surrounding. The land slopes down to the north-west to a tennis court and is bounded to the south west by the Little Cowarne to Pencombe road, onto which the property has two points of access. The former coach house lies to the north-east and is now occupied as an entirely independent dwelling.
- 1.2 The property occupies a raised position in the landscape with extensive views to the north towards Pencombe village.
- 1.3 The application is made in outline with all matters reserved for future consideration and is for the erection of a building for the provision of care for elderly and mentally infirm people. The application is accompanied by indicative plans which suggest the erection of a split level single/two storey building to be located to the north west of the existing building, partly on the site of the tennis court. The building will provide 40 bedroom accommodation and also incorporates facilities such as medical areas, staff rooms and day rooms for residents.

## **2. Policies**

### **2.1 Herefordshire Unitary Development Plan**

S1 – Sustainable development  
DR1 – Design  
DR2 – Land use and activity  
LA2 – Landscape character and areas least resilient to change  
LA3 – Setting of settlements  
LA5 – Protection of trees, woodlands and hedgerows  
CF7 – Residential nursing and care homes

### 3. Planning History

None identified.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None required

#### Internal Council Consultations

4.2 Transportation Manager – No objection subject to conditions

4.3 Environmental Health and Trading Standards Manager – No objections

4.4 Forward Planning Manager - The application should be assessed against policy CF7 of the UDP. The proposed care home is a new development and is considered to fall within the category of a residential use. Pencombe is a rural open countryside location where there are strict controls on new residential development as far as the UDP is concerned. Policy CF7 states that proposals for the provision of residential nursing and care homes will be permitted in areas where new residential development is acceptable. Therefore policy H7 is applicable and this application does not meet any of the set criteria in this policy. The proposal is contrary to policy.

#### Conservation Manager

4.5 Historic Buildings - This appears to be the right place to site an extension being set down at the back of the house. It is however of a significant size and its essentially linear shape makes it stretch out into the countryside, fronting onto public footways. It might have been preferable to set it round an enclosed courtyard and reduce its size so that it is clearly subservient to the main house reading more as a group of ancillary buildings rather than a major building in its own right, which competes with the main house, particularly when viewed from the north.

4.6 Landscape - None of the trees on or adjacent to the site are protected by a TPO and the proposed application would have no direct impact on trees within or adjacent to the site.

4.7 I am concerned that the proposed development would result in a dramatic increase in the volume of building in the area. The proposal dramatically extends the building into the lawned element of the site and would visually encroach into open countryside. The landscape character (Timbered Plateau Farmlands) surrounding the site is defined by wooded valleys and dingles and distinct boundary hedges and would generally be considered unable to accommodate significant development. The settlement pattern in this landscape is of dispersed farmsteads and hamlets and the clearly defined enclosure pattern relates to the historic integrity of this landscape.

4.8 Whilst not an old or listed building the historic and cultural relationship of Pencombe Hall to the village should be considered important. I consider the development overly large and intrusive in relation to the existing buildings, landscaped grounds and the relationship of the hall to the nearby village.

4.9 I would recommend the application be refused as contrary to policies DR1 and LA2 of the UDP.

## 5. Representations

5.1 Little Cowarne Parish Council – Raise concerns regarding poor water supply and in respect to the treatment of sewerage. Conclude that as the proposal is within the existing grounds there is no objection to the siting of the new building.

5.2 Three letters of objection have been received from the following:

Mr P. Mitchell, Gable Cottage, Bredenbury

Mr & Mrs Tilling, Glebe House, Pencombe

B.G. Potter, The Coach House, Pencombe

In summary the points raised are as follows:

1. A large building would detract from the setting and importance of Pencombe Hall.
  2. The property is in a rural area and is not accessible and would be better placed in a town.
  3. The increase in traffic would have an adverse impact on the road network.
  4. No access to mains sewers. The existing septic tank is inadequate and causes a nuisance.
- 5.3 One letter of support has also been received from Mrs Williams, The Finches, Wellington, whose father is presently a resident at Pencombe Hall. She is concerned that he continues to receive a high level of care and is concerned that he would have to move to another home if his condition continues to deteriorate.
- 5.4 The application is supported by a statement submitted on behalf of the applicant by his agent. This advises of the need for specialist elderly mentally infirm (EMI) in light of the fact that Herefordshire has the second oldest population in England.
- 5.5 It goes on to say that a report published by Herefordshire Council in conjunction with the NHS Primary Care Trust notes "*a shortage of beds for people with mental health problems.*" And, in addition that there appears to be a shortage of Nursing/EMI places.
- 5.6 The applicant has a particular interest in this type of care and Pencombe Hall already has a high reputation in this field. One of the advantages of locating a new specialist unit at Pencombe Hall is that residents would be able to transfer from a home providing residential care to one providing nursing care without enduring the disturbance of moving at a time of greatest need.
- 5.7 The statement concludes that the advantages of the proposal would be that it would:
- a) make a significant contribution and investment to counter the shortfall in this type of care.
  - b) Go hand in hand with the established facilities at Pencombe Hall.

- c) Represent a sensitive addition to the existing facilities which would blend comfortably with the architectural design of Pencombe Hall.

5.8 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

6.1 The key consideration with this proposal is whether it is acceptable as a matter of principle. Policy CF7 of the UDP refers specifically to residential nursing and care homes and states that:

*Proposals for the provision of residential nursing and care homes will be permitted in areas where new residential development is acceptable or where they involve the environmentally acceptable conversion of existing buildings..."*

6.2 The site lies in an area of open countryside where there would be a presumption against further residential development and therefore the proposal fails the policy test. Consequently it falls to be considered whether there are any other material planning considerations that outweigh the policy.

6.3 The applicant's agent has identified the lack of specialist EMI care and the fact that Pencombe Hall already has a background in providing it, and this forms the basis of their exceptional justification for the proposal.

6.4 It remains the case that Pencombe is only identified as a smaller settlement and that the application site is some way outside of the village. It does not represent a sustainable location in terms of access to services or in terms of minimising people's need to travel. Policies such as S1 and DR2 reinforce the principle of sustainable development and this is a key theme of the UDP.

6.5 For a site on the fringes of a larger settlement with access to services and/or public transport, there may be greater justification for setting aside the provisions of CF7. However, this application site is so remote that the issues of sustainability cannot be set aside and therefore are not outweighed by the material considerations described by the applicant's agent.

6.6 The indicative plans give an idea of the scale of the proposal. The Historic Buildings Officer has opined that the site is appropriate, but raises some reservations over the form of the new building. It is considered that this could be addressed at the reserved matters stage through negotiation and an informed design. The changes in levels across the site would assist in reducing the perceived scale of any development and the siting of the proposal also takes advantage of this.

6.7 The Landscape Officer considers that the scheme would have an unacceptable visual impact on its surroundings. However, the site is well screened by the mature trees that surround the site and his comments acknowledge that the scheme would have no impact upon these. It is your Officer's opinion that the proposal would have a limited visual impact. An assessment has been made of this in the wider area and the site is not at all prominent from Pencombe village. The retention of surrounding trees would help to ensure that this remains the case, as would a design that makes full use in the changes in levels across the site. The proposal could therefore be considered to be acceptable in its visual impact.



- 6.8 Matters relating to existing drainage problems and inadequacy of an existing septic tank are addressed by the submission which includes details of a replacement to serve the new development.
  
- 6.9 Overall, however, the proposal is contrary to the UDP policy which seeks to direct new residential development to main settlements, and avoid new housing in isolated locations such as this one. The site has no public transport links and is only accessible along small country lanes. In that regard it is highly unsustainable. Any increase in activity on the site will inevitably lead to additional journeys by private transport for visitors and staff alike. The fact that there is an existing establishment on the site, and the extent to which detailed concerns over drainage and design can be addressed do not of themselves outweigh the over-riding policy objection. The application is therefore recommended for refusal.

**RECOMMENDATION**

**That planning permission be refused for the following reason:**

**The proposal represents the provision of a new residential care facilities in an open countryside location outside locations where new residential development would be acceptable. Its location is unsustainable by virtue of its remoteness from public transport facilities and services and the development would thereby increase the need to travel by private transport. The applicant has failed to demonstrate that there are sufficient material planning considerations to outweigh these factors and therefore the proposal is contrary to Policies S1, DR2 and CF7 of the Herefordshire Unitary Development Plan 2007 and the guidance in Planning Policy Statement 7 – Sustainable Development in Rural Areas.**

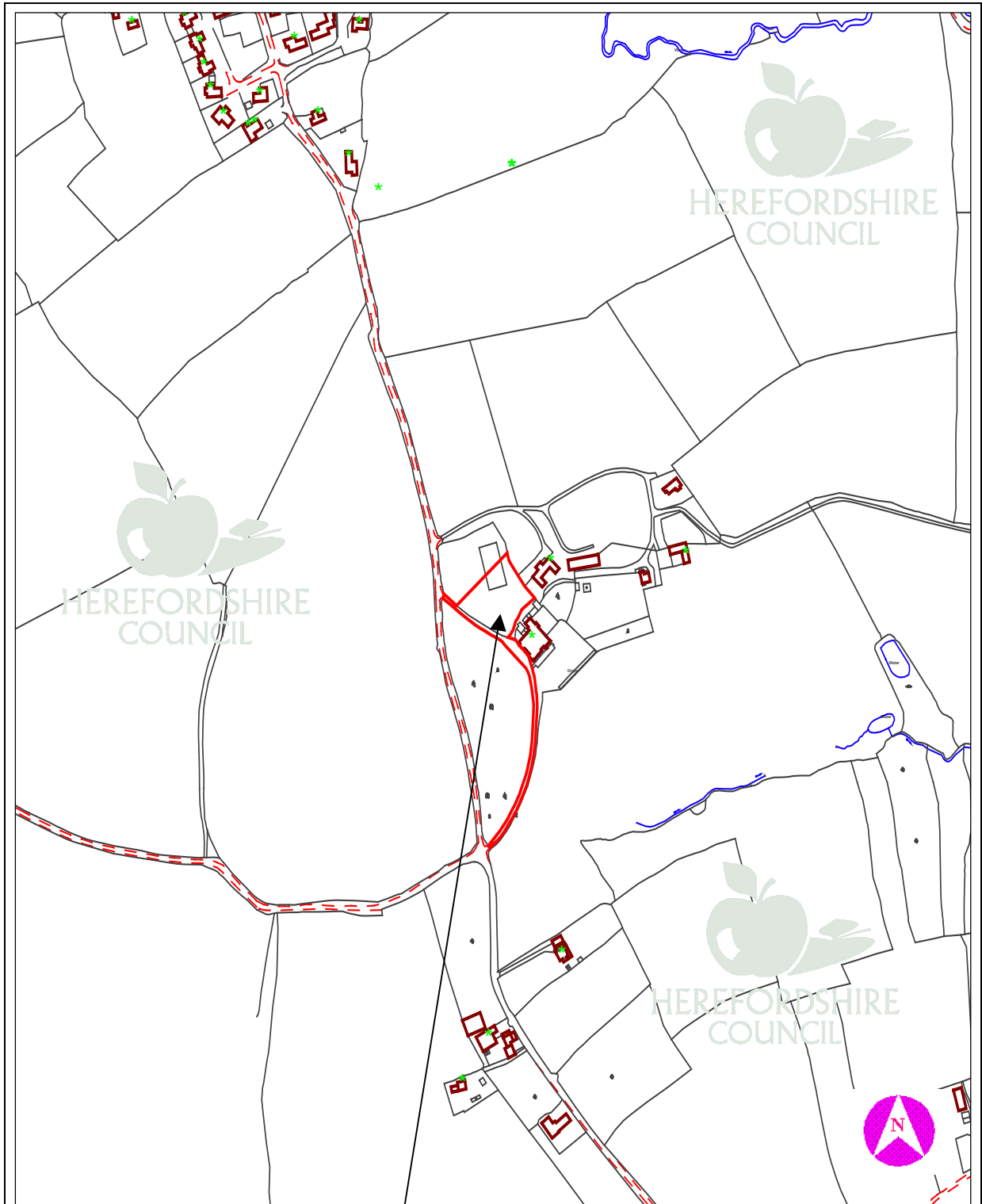
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNG2007/0667/O

**SCALE :** 1 : 5000

**SITE ADDRESS :** Pencombe Hall, Pencombe, Bromyard, Herefordshire, HR7 4RL

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