

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 29 August 2012 at 10.00 am**

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

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, JG Lester, MD Lloyd-Hayes, RI Matthews, FM Norman, GR Swinford and PJ Watts

**In attendance:** Councillors NP Nenadich, SJ Robertson and DB Wilcox

**45. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors KS Guthrie, RC Hunt, Brig. P Jones CBE and G Lucas.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor JA Hyde attended the meeting as a substitute member for Councillor G Lucas.

**47. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**48. MINUTES**

The Committee noted that a written statement had been read out on behalf of Councillor A Seldon in respect of the application at Pencombe Hall rest home (minute number 39) and requested that the minutes be amended to include a reference to this.

**RESOLVED:** That subject to the amendment detailed above, the Minutes of the meeting held on 8 August 2012 be approved as a correct record and signed by the Chairman.

**49. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman advised the Committee that the Planning Committee would be the last meeting attended by Jane Cotton, the Locum lawyer (Planning and Regulatory). He placed on record the Committee's appreciation for her input and guidance and wished her good luck in the future.

**50. APPEALS**

The Planning Committee noted the report.

**51. S112612/F - LAND OFF ATTWOOD LANE, HOLMER, HEREFORD, HR1 1LJ**

The Principal Planning Officer gave a presentation on the application. He advised Members that since the updates had been produced further information and clarification regarding drainage serving the development had been obtained. He advised Members that in order to

connect to the adopted network waste would have to pass through a short section of unadopted pipe. He therefore requested that an additional pre-commencement condition be added to the recommendation requiring the development to be served by an adopted network or a network that was subject to an adoption agreement with Welsh Water to address this. He noted the local communities concerns in respect of offsite drainage issues but advised that these concerns were not relevant to the application under consideration today.

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:

- There were still ongoing concerns in respect of sewerage issues in the area with raw sewerage being leaked onto Roman Road in the last week.
- The Landscape Officer still objected to the application on the basis of landscape character.
- The area was of high landscape value due to it being one of the few remaining areas of small fields with native hedges in the proximity of the city.
- The application was therefore contrary to UDP Policy H7.
- 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. An appeal had been made to OFWAT with public disclosure of the decision due shortly.
- The site was a greenfield site, the Council, in accordance with the Cabinet decision made on 12 July 2012, should look at the availability of brownfield sites and low to medium constraint sites before granting permission on the application site.
- The Section 106 agreement did not include a contribution to either Holmer school or the Wentworth Park play area which was in need of updating.

In response to a question, the Principal Planning Officer confirmed that the unadopted section related to an area where two pipes merged into one on Roman Road between an existing manhole cover and the pumping station.

The committee opened the debate by referring to the four key reasons on which they felt the application should be refused, they felt that these still remained valid despite the information contained within the further information report.

The Committee noted the comments in the further information report in respect of Unitary Development Plan Policy H7 and were of the opinion that the application should be refused due to it being contrary to the afore mentioned policy. They also stated that there were still a number of brownfield sites throughout the county which should be prioritised for housing before any rural greenfield areas were considered.

In response, the Principal Planning Officer explained that with the exception of the adjoining site, the known available brownfield sites such as the Edgar Street Grid were already accounted for in the Council's five year housing land supply.

The second reason related to landscape issues. The Committee were still of the opinion that there would be an impact on the landscape due to the development of the historic field and the removal of hedgerows. They stated that there was a need for the Council to protect small pastoral fields throughout the county. One member also stated that there was a high landscape value to green open space surrounding large residential developments.

The Committee also discussed traffic issues in the area. It was noted that there were still concerns in respect of traffic volume on Roman Road and that out of the 300 houses approved on a neighbouring site only about a third were currently occupied. Members

felt that the additional 29 homes would have an adverse impact on the local highway network. It was further considered that the cumulative impact of the extra traffic would affect the daily commute of hundreds of people accessing the city centre from the Roman Road area.

During the debate Members continued to emphasise that the drainage issues in the area were of primary concern. It was noted that at the meeting of the Central Area Planning Committee when the 300 homes on the neighbouring site were granted, the developer agreed to install an adoptable standard new main line from the site to Hereford Hospital. Members voiced their concerns that this had not been completed. The Committee noted the concerns of the local residents in respect of the drainage issues and stated that these concerns had to be taken seriously especially in the light of forthcoming information regarding evidence of raw sewerage on the pavement of Roman Road over the previous week. One Member of the Committee was of the opinion that developers should investigate alternative drainage methods including wet systems. In summing up the Committee felt that the developer needed to ensure the drainage throughout the whole site was to an adoptable standard and subject to an adoption agreement.

One Member advised the committee that he rented the land some years ago as pastoral land. He added that at that time there were a number of restrictions in place on the land to protect it due to its significant landscape importance. He added that he was not permitted to use fertilizer or access the field at all in wet weather due to the possibility of damaging the land.

In response to a question, the Principal Planning Officer clarified the issues in respect of the adopted and unadopted drainage infrastructure on and around the site. He gave further details in respect of the unadopted section of drainage that waste would have to pass through prior to joining the adopted network. He added that this had only recently come to light and that it could be mitigated and addressed through an appropriate pre-commencement condition.

In response to a further question the Principal Planning Officer advised that the site had not previously been identified as acceptable for development during the strategic housing land availability assessment process due to landscape concerns but at that time the Council had sufficient land allocated for housing however this situation had now changed and been reinforced since the introduction of the NPPF. He also advised that the open space on the site would be transferred to the Council upon completion of the development.

The Development Manager (Northern Localities) advised Members in respect of the reasons for refusal proposed by the Committee. He advised that refusing the application due to policy H7 in isolation, in respect of homes in the open countryside, would in his opinion not be defensible at appeal due to the requirement for the council to have a 5 year housing stock as set out in the NPPF. He also advised the Committee against refusing the application on highway grounds due to no objection being received by the Traffic Manager and the statistical information contained in the report highlighting that the increase in traffic would only be 0.3%. He did however advise that the reasons in respect of drainage and the lack of connection to a public sewer and non-compliance with UDP Policy CF2 as well as landscaping would in his opinion be defensible issues at appeal.

One Member of the Committee felt that the reasons for refusal based around policy H7 should remain, bearing in mind the landscape reason for refusal and the non-compliance with Policy LA2, which outweighed the benefits of the development. Therefore the housing on this site should not be permitted pursuant to the National Planning Policy Framework. An additional reason was the lack of a completed and signed Section 106 agreement. The Development Manager (Northern Localities) advised that these could be

encompassed within the reason for refusal should the committee be minded to include them in it.

In response to a question the Principal Planning Officer advised that the application for 35 homes adjacent to the site was currently undetermined as it had only been recently received by the Council. He added that the application would come before the Planning Committee in the near future.

Councillor Robertson was given the opportunity to close the debate. She reiterated her opening remarks and added that she felt that the application should be refused.

The Locum Lawyer (Planning and Regulatory) requested confirmation from the mover and seconder of the motion to refuse the application that the reasons for refusal were the four grounds as discussed. This was agreed. She also requested confirmation as to whether the further reason for refusal raised during the debate in respect of the lack of a signed Section 106 agreement was to be added to the motion. The mover and seconder of the original motion stated that they were happy to amend the motion to include this.

## **RESOLVED**

**THAT planning permission be refused for the following reasons:**

- 1 Housing in the countryside**
- 2 Landscape impact**
- 3 Cumulative highway Impact**
- 4 Adequacy of the drainage infrastructure**
- 5 Failure to submit a completed and signed Section 106 agreement**

**52. S121065/F, 121066/L & 121076/C - ELMHURST, VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE**

The Development Manager (Hereford and Southern Localities) 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 Claridge, the applicant, spoke in support of his application.

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

- The application should be approved as there was a need for a dementia facility in the city.
- Patients deserved to be treated with care compassion and dignity.
- There were examples of elderly people throughout the county who had cared for loved ones whilst they were suffering with dementia, Alzheimer's or vascular dementia.
- There comes a time when people can't be looked after in their own homes and then facilities such as the one proposed are vital.
- Respite care was a significant benefit to the proposed home, this would give patients an opportunity to develop relationships with carers whilst offering the families much needed assistance.

- Half of the population of the County resided in the city, hence the need for a care home within the city at a sustainable site such as the one proposed.
- Then ability for patients to be able to walk around the home was important hence the design proposed.
- It was predicted that the number of older people with dementia would rise by 92% by 2030.
- The number of people aged 85+ in the county was estimated to double by 2026.
- Only 38% of the 565 bed spaces in a 5 mile radius of the proposed site offered single bedrooms with ensuite facilities.
- Bed blocking was still a major problem in the County.
- Although the immediate EMI bed requirement was met this would not remain the case in the coming years. The Council needed to be proactive in dealing with the situation.
- The proposed site had good rail and bus links and was therefore considered to be a sustainable development.

Councillor DB Wilcox, the other local ward member, also commented on a number of issues, including:

- The comments of the other local ward member were endorsed.
- The listed building status of the building related to the side and front elevations which needed protecting however the 1970's additions were of no architectural value and did not add to the character or setting of the original building.
- The building had been void for four years and was in danger of falling into a dilapidated state.
- The western elevation may be seen but this is deemed acceptable as part of the overall scheme.
- The current building was not viable; the proposed extension would make the building a viable proposition.
- The original application on the site was not acceptable, the applicant came back with a revised plan which was now deemed acceptable.
- The majority of the concerns raised by the neighbouring resident could be addressed through appropriate conditions.
- The proposal would preserve and enhance the character of the existing listed building.
- The vista when approaching the building from the front will remain unaltered.
- The application should not be viewed as a departure from policy and Members should give weight to various issues in making their determination.
- The extensions were large but were of a high class contemporary design.
- Weight had been given to the stable block however following the site inspection it could be considered that the front and side elevations of the main building should form the emphasis of the listed building value.
- Technically the two-storey 1970's extension did form part of the listed building however it did nothing to enhance the conservation area or the listed building. The extension would not have been afforded listed building status had it not been for the front and side elevations of the original house which were retained at that time.
- In relation to HBA1 the main features of the building were preserved and the new works would complement and enhance the building with the extensions being subservient, as required by HBA1.
- The proposed demolition of parts of the listed building were limited and did not involve all or substantially all of the listed building, therefore the application was not contrary to HBA2.
- The location, design and setting of the new development complemented the existing building and therefore it was in accordance with Policy HBA4.

- The application extended an authorised use whilst preserving and enhancing the character and vitality of the area and therefore it should be considered as in accordance with Policy HBA6.
- There was desperate need for adequate provision of care facilities for the County's elderly and it was considered that although the application was not ideal in all respects, it did generally comply with the Criteria of the UDP.
- Conditions to address concerns in respect of the location of the refuse store and various operational aspects could be delegated to officers if the committee saw fit to approve the application.

Members opened the debate by discussing the stable block located on the site. It was considered that there may be some benefit in relocating either the entire stable block or just the appropriate historic internal fittings. It was considered that the stable block alone did not warrant listed status but the key aspect was the relationship between the existing building and the stable block.

The Committee continued to discuss the application and were generally in support of it although they did note the concerns of the neighbouring residents in respect of overlooking, it was noted that the current proposal had significantly reduced the impact on the amenity of the neighbouring residents. Members noted the policy issues raised by the local ward member and were also of the opinion that both Unitary Development Plan Policy CF7 and paragraph 133 of the National Planning Policy Framework supported the application due to the fact that the building had been vacant for a number of years.

The design of the development was also discussed at length with members noting that the layout of the proposal enabled residents to walk around the home in a circular motion. It was noted that this was a great benefit to residents and would assist in maintaining a healthy lifestyle.

In respect of the listed building status Members were of the opinion that the 1970's extension to the original building was of no benefit and did not preserve or enhance the character of the original listed building. Members welcomed the proposed design and were of the opinion that it did enhance and preserve the listed building.

Members noted the policy issues which one the local member had addressed in his opening presentation and felt that Unitary Development Plan Policies HBA1, HBA2, HBA4 and HBA6 could all be interpreted to support the application. They also noted that there was a need for the facility within the city and that the site was sustainable in terms of public transport.

One Member of the Committee also noted the comments of the Conservation Manager who had requested a landscaping scheme if the application was approved. She also requested that a further condition be attached to any planning permission to ensure that no mature trees were removed from the site during the construction.

Some Members did however voice concerns in respect of the application with particular concern being given to the scale and mass of the proposed development as well as the need to demolish approximately 50% of the existing listed building. It was also noted that the 1970's extension would have been considered contemporary at the time of the extension and that the proposed extension could also look dated in years to come.

The Development Manager (Northern Localities) advised Members that although they had addressed the issues regarding the impact on the listed building and the loss of the stable block they had not considered the policy issues listed in the case officer's recommendation for refusing the application. He also added that if the committee were minded to approve the application they would be required to delegate the decision to

officers due to the need to refer the listed building application to the Secretary of State in relation to the part demolition of a listed building.

The Locum Lawyer (Planning and Regulatory) reiterated the comments of the Development Manager and requested that the committee look at the key policies to decide whether they were of the opinion that the application was compliant to or a departure from the policies stated.

In respect of the stable block, the Development Manager (Hereford and Southern Localities) advised that the applicant had stated that he would be happy to retain the internal fittings but could not relocate the entire block as it would not make the development viable.

Councillors Nenadich and Wilcox were given the opportunity to close the debate. They reiterated their opening remarks and raised additional points, including:

- Not all of the listed building was being removed.
- The adjoining Nuffield Hospital was considerably larger and was also within the conservation area.
- The stable was not currently open to the public and the internal fittings could be protected and relocated as part of a Section 106 agreement.

The Locum Lawyer (Planning and Regulatory) requested confirmation from the mover and the seconder of the motion in respect of the reasons for granting the three applications being considered, namely planning permission, listed building consent and conservation area consent. She also requested confirmation that they had considered the policies and were of the opinion that the proposed development was in accordance with UDP Policies HBA1, HBA2 (as it did not involve the demolition of substantially all of the listed building) HBA4, HBA6 and CF7.

It was also noted that the application was in accordance with paragraph 134 of the National Planning Policy Framework and that there was a need for the development. She also sought confirmation from the mover and seconder of the original motion that they adopted the planning reasoning in the report that supported the grant of permissions and consents and that a Section 106 Agreement would be required to secure the retention and relocation of the internal fittings and fixtures of the stable block.

She requested further clarification that the Committee were minded to delegate the wording of the conditions considered per the report as well as any conditions as to the siting of the refuse store and activities associated with the use of the laundry in consultation with the Local Ward Members and Chairman.

The mover and seconder of the motion also confirmed that they were happy to delegate the decision to approve the applications, as well as any other conditions considered necessary by Officers, to officers named in the scheme of delegation to Officers and that the wording of the conditions and decision notice also be delegated to Officers in consultation with the local ward members and the Chairman.

This confirmation was received prior to members moving to the vote.

## **RESOLVED**

**THAT officers named in the scheme of delegation to officers be authorised to grant planning permission, listed building consent, conservation area consent as well as the completion of a Section 106 Agreement to secure the retention and relocation of the internal fittings and fixtures of the stable building subject to clarification of the referral arrangement to the secretary of state.**

**53. S121244/F - LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD**

The Development Manager (Hereford and Southern Localities) 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 paragraph 4.8.2.2 of the Council's Constitution, Councillor PA Andrews, one of the local ward members, commented on a number of issues, including:

- Although the application site was in land defined as open countryside it was in a popular residential area.
- The site was acceptable in terms of the National Planning Policy Framework.

Members discussed the application and noted that there were no issues of overlooking and that the bridleway formed a natural boundary which encompassed the development.

**RESOLVED**

**That subject to no objection being raised by Natural England that officers be delegated to grant planning permission subject to the following conditions:**

1. **A01 Time limit for commencement (full permission)**
2. **I51 Details of slab levels**
3. **B01 Development in accordance with the approved plans**
4. **C01 Samples of external materials**
5. **F08 No conversion of garage to habitable accommodation**
6. **G02 Retention of trees and hedgerows**
7. **H05 Access gates**
8. **H13 Access, turning area and parking**
9. **H27 Parking for site operatives**
10. **I16 Restriction of hours during construction**
11. **L01 Foul/surface water drainage**
12. **L02 No surface water to connect to public system**

**Reason for Approval**

1. **The proposal fails to comply, in principle, with policy H7 of the UDP, however weight must be given to the National Planning Policy Framework that clearly identifies that where sites are considered to be sustainably located, and where they comply with other relevant policies, there should be a presumption in favour of development. The sites development clearly accords with policies in relation to design, character of the area, landscape impact and highway safety, namely policies DR1, DR2, DR3, LA2 and H13 of the UDP. In conclusion, whilst the prospective application would be**



**contrary to Saved Policies of the UDP, the absence of a 5-year supply of housing land means that there are grounds to approve this application.**

**Informative:**

- 1. HN05 Works within the highway**

**54. 4 N121172/FH - 1 BALLARD CLOSE, COLWALL, HEREFORDSHIRE, WR13 6RD**

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, Mr Ashton, representing Colwall parish Council, and Mr Allen, a neighbouring resident, spoke in objection to the application and Mr Whittaker, the applicant's agent, spoke in support.

The debate was opened by one Member of the Committee speaking in objection to the application. He had concerns in respect of the impact the development may have on the character of the area due to the change in roofline. He therefore moved that the application be refused as it was contrary to Unitary Development Plan Policies DR1, H18 and H16.

However other Members of the Committee had a differing view and were of the opinion that the extension should be permitted. They felt that it was a natural development and noted that the dwelling was currently the only single storey property in Ballard Close.

**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**
- 3. C01 Samples of external materials**
- 4. F15 No windows in side elevation of extension**
- 5. H13 Access, turning area and parking**
- 6. I16 Restriction of hours during construction**

**Reason for Approval**

- 1. The proposed development is acceptable and in keeping with the character and appearance of the area and will not adversely affect the residential amenities of the occupants of the adjacent/nearby dwelling houses. As such the proposal is considered to be in accordance with Policies S2, DR1, LA1, H4, H13 and part of H18 of the Herefordshire Unitary Development Plan and Government advice contained in the Planning Policy Framework (March 2012).**

**INFORMATIVES:**

- 1. N03 Adjoining property rights**

2. **N14 Party Wall Act 1996**
3. **HN28 Highways Design Guide and Specification**
4. **HN05 Works within the highway**

**55. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.15 pm

**CHAIRMAN**

# PLANNING COMMITTEE

29 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 S121065/F, S121066/L and S121076/C - PROPOSED REFURBISHMENT AND EXTENSION TO PROVIDE 51 BED SPACES. DEMOLITION OF OUTBUILDINGS AT ELMHURST, VENNS LANE, HEREFORD, HEREFORDSHIRE, HR1 1DE**

**For: Mr Claridge per Mr Pete Stockall, St Catherine's Court, Berkeley Place, Bristol, BS8 1BQ**

### ADDITIONAL REPRESENTATIONS

Traffic Manager: I can confirm that the revised layout detailed on Drawings 5811/15D and 5811/16D is acceptable subject to conditions requiring the prior agreement of access turning area and parking construction details and the relocation of the bus stop which is immediately adjoining the entrance.

Conservation Manger (Landscapes): The removal of mature trees at the entrance is a significant negative impact, although the design does seem to offer a compromise between highway requirements, signage, boundary treatments and replacement tree planting of a size and species commensurate to the specimens that would be lost. I am concerned that the aboricultural report confirms that significant trimming of the conifer hedgerow would expose the interior of the hedge and reduce the effectiveness of the hedgerow as a screen. The hedge should not be relied upon to provide long-term privacy between neighbours. Conditions should be added to any planning approval requiring the submission of a fully detailed landscape scheme, tree protection measures and arboricultural method statement.

### NO CHANGE TO RECOMMENDATION

**9 S121244/F - PROPOSED NEW DWELLING AT LAND ADJACENT TO, 304 KING ACRE ROAD, HEREFORD, HR4 0SD**

**For: Mr & Mrs Berry per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Herefordshire, HR1 1LH**

### ADDITIONAL REPRESENTATIONS

The Habitat Regulation Assessment Screening has now been undertaken and it is confirmed that there will be no likely significant effect on the River Wye SAC. Confirmation from Natural England will now be sought in line with the officer recommendation.

### NO CHANGE TO RECOMMENDATION

**10 N121172/FH - PROPOSED FIRST FLOOR EXTENSION TO EXISTING BUNGALOW TO PROVIDE TWO STOREY ELEMENT INCORPORATING DORMER WINDOWS AND ONE AND A HALF STOREY WINGS AT 1 BALLARD CLOSE, COLWALL, HEREFORDSHIRE, WR13 6RD**

**For: Ms O'Connell per Mr Derrick Whittaker, 1 Farjeon Way, New Mills, Ledbury, Herefordshire HR6 2FU**

**CHANGE TO RECOMMENDATION**

In Reason for Approval, after H13 delete the words :- .. and part of H18.....