

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 23 April 2014 at 10.00 am**

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

Councillors: PA Andrews, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, MAF Hubbard, Brig P Jones CBE, RI Matthews, J Norris and GR Swinford

**In attendance:** Councillors CNH Attwood, AW Johnson and PD Price

**172. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors KS Guthrie, RC Hunt, JG Lester, FM Norman, PJ Watts and DB Wilcox.

**173. NAMED SUBSTITUTES**

There were no substitute members present at the meeting.

**174. DECLARATIONS OF INTEREST**

**Agenda Item 10: P133440/F & P133445/L Staunton-on-Wye Endowed Primary School, Staunton-on-Wye, Hereford, HR4 7LT**

Councillor JW Hope MBE declared a pecuniary interest as a Trustee on the Jarvis Educational Foundation and left the meeting for the duration of this item.

**175. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 2 April 2014 be approved as a correct record and signed by the Chairman.

**176. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

**177. APPEALS**

The Planning Committee noted the report.

**178. P132734/F LAND AT FORMER BOTTLING PLANT, WALWYN ROAD, COLWALL, MALVERN, WR13 6RN**

The Principal Planning Officer gave a presentation on the application. He commented that officers agreed with the principle of the proposed development. However, the harm caused by the proposed loss of the locally important original 'H' shaped bottling plant building was of great concern and so significant with regard to the balancing exercise required by the National Planning Policy Framework that the application should be refused.

In accordance with the criteria for public speaking, Mr E Nash, the Applicant's architect spoke in support of the Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors AW Johnson and CHN Attwood, the local ward members, spoke on the application.

Councillor Johnson commented on a number of issues including:

- The Parish Council had raised objections to aspects of the particular scheme but was not opposed to the use of the site for housing.
- There had been only two letters of objection, mainly on design grounds.
- There were benefits associated with the Scheme including: new houses with a proportion being affordable housing, the prospect of increased trade for the village shop helping to sustain it, and a nursing home.
- The applicants had made a number of changes to the Scheme to meet the Parish Council's requirements
- The principal objection in the report seemed to be the proposal not to retain the former bottling plant building. However, whilst the bottling plant building was a heritage asset he was not aware of any local public wish to retain it.
- He considered that the local community was in support of the development and the fact that few objections had been received supported this assessment.

Councillor Attwood supported Councillor Johnson's comments. He reiterated that the Parish Council had had no objection in principle. However, there were a number of concerns about the detail of the design and the street scene in this important approach to the village, including the plan that the back gardens of 4 properties faced the street which was considered potentially unappealing.

The debate opened and the following principal points were made:

- The local community supported the much needed residential development that the Scheme would provide.
- Colwall had developed in the period in which the bottling plant was built and the building had local significance. The report listed a number of bodies who supported the retention of the bottling plant building. The building had merit and could be retained and converted for other uses. Consideration also needed to be given to the setting of the Tank House which had been listed by English Heritage. A use for the Tank House building should also be identified.
- The bottling plant had been a magnificent industrial building but it did not lend itself to conversion. It had been compromised by unsympathetic development and it now fronted an industrial estate.
- It was asked if features of the building could be preserved in a museum or other setting. The Principal Planning Officer commented that if features were considered worthy of preservation the building should be retained. It was only in the case of major national schemes that he was aware of buildings being preserved in the manner being suggested.

- The site was classified as being for general industrial use and the proposed loss of employment land was questioned.

The local ward members were given the opportunity to close the debate. Councillor Johnson reiterated the local support for the Scheme.

A motion that the application should be refused in accordance with the Case Officer's recommendation was lost.

**RESOLVED: That planning permission be granted for the following principal reasons and officers named in the scheme of delegation be authorised to determine conditions together with the Section 106 agreement: the benefits of the scheme including the provision of sustainable housing in accordance with the National Planning Policy Framework, and a nursing home, to meet local need, outweighed the harm caused by the loss of a heritage asset which has been compromised by unsympathetic development, and the loss of employment land.**

#### **INFORMATIVE**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

*(The meeting adjourned between 11.25 am and 11.32 am.)*

#### **179. P140531/O QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORDSHIRE, HR1 4AA**

The Principal Planning Officer gave a presentation on the application, which was a resubmission of an application refused by the Committee on 13 November 2013. Updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He commented that the site was considered sustainable in terms of its location and, although not previously developed, the principle of development could be accepted in the context of the housing land supply deficit. There were no identified significant and demonstrable adverse impacts outweighing the benefits associated with the scheme.

In accordance with the criteria for public speaking, Mr G Davies, Vice-Chairman of Bartestree and Lugwardine Parish Council spoke in opposition to the Scheme. Ms K Rolfe, a resident, spoke in objection. Mr J Spreckley, the Applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, spoke on the application.

He commented that the proposed pedestrian access arrangements had been slightly amended. However, he considered that the new proposals would place pedestrians in an even more vulnerable position. The Traffic Manager stated at page 75 of the report that the proposed footway widths would fall short of the Council's desirable standards.

The other grounds the Committee had advanced for refusing the application, concerns over the vehicle access and the impact on historic buildings and their surroundings remained valid.

The debate opened and the following principal points were made:

- The Traffic Manager's concluding comment in the report was, "The pedestrian connectivity and its impact on travel by sustainable modes remains a concern." In the update issued to the Committee he stated that the applicant's latest proposal for footway improvements "may give pedestrians a false sense of security". Several Members stated that they considered the pedestrian access to be of particular concern and did not want the potential for an accident to be on their conscience.
- Little had changed in the resubmitted application and the grounds for refusal previously advanced and set out in the decision notice appended to the report, unsatisfactory pedestrian access, unsatisfactory vehicular access and the impact on historic buildings and their surroundings remained valid. It was noted that the ground for refusal previously advanced that the land was potentially contaminated was proposed to be addressed through a condition.
- The developers had offered little in relation to the design of the Scheme to encourage the Committee to support the development.

The Principal Planning Officer commented that it should be noted that the Traffic Manager had suggested that the applicant investigated the feasibility of the pedestrian access now being proposed, although as reported in the update the Traffic Manager was concerned about the proposal that had come forward. He acknowledged Members' concerns about the pedestrian access. However, he commented that those pedestrian routes were currently in existence and the Committee had to consider whether there was evidence to support a view that the risk posed by the creation of 30 dwellings outweighed the benefits of the Scheme. In terms of the vehicular access this met the relevant standards.

The Development Manager commented that he supported the Principal Planning Officer's analysis. The developers had not done all that they could to advance their cause. However, in his view it would be very difficult to defend an appeal against refusal of planning permission and it was possible that costs could be awarded against the Council.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the Scheme and that in his view the Council needed to be proactive in seeking to ensure the safety of access to developments.

**RESOLVED: That planning permission be refused and officers named in the scheme of delegation be authorised to finalise the reasons for refusal in accordance with the following grounds as set out in the decision notice for the previous application 131964/0 appended to the report, namely in summary:**

- **unsatisfactory vehicular access**
- **unsatisfactory pedestrian access**
- **significant and demonstrable harm contrary to 'saved' Herefordshire Unitary Development Plan Policies DR1, H13, HBA4, HBA9, LA2 and LA3.**

## INFORMATIVE

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and by identifying matters of concern with the proposal and clearly setting these out in the reasons for refusal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

### **180. P140221/L LEADON COURT, FROMES HILL, LEDBURY HR8 1HT**

The Senior Planning Officer gave a presentation on the application.

It was observed that no comments had been received from the Conservation Manager (Historic Buildings). The Senior Planning Officer commented that the planning application was of minor significance and removed no features of historical or architectural merit.

**RESOLVED: That listed building consent be granted subject to the following conditions:**

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. B02 Development in accordance with approved plans and materials**

### **181. P133440/F & P133445/L STAUNTON-ON-WYE ENDOWED PRIMARY SCHOOL, STAUNTON-ON-WYE, HEREFORD, HR4 7LT**

*(Councillor JW Hope MBE declared an interest and left the meeting for the duration of this item.)*

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr E Pearson-Gregory of Staunton on Wye Parish Council spoke in opposition to the Scheme. Ms A Andrews and Mr A Adamson, residents, spoke in objection. Mr S Silk, the Applicant's agent, spoke in support.

It was noted that the local ward member had had a conflict of interest along with many Parish Councillors as a Trustee of the Jarvis Educational Foundation. Councillor PD Price as an adjoining ward member had dealt with representations about the application in the absence of the local ward member. The Chairman invited Councillor Price to speak on the application as an adjoining ward member.

He commented on a number of issues including:

- He had attended a public meeting on the proposed Scheme and he estimated two thirds of those present were opposed to it. The objectors' views were summarised in the report.

- The Scheme could give this listed landmark building a future. It was, however, important for the applicant to demonstrate that the business plan was sustainable.
- The Scheme would have a significant impact on the community. There may be some benefits in terms of jobs. However, staff may well have to travel from outside the area creating additional traffic on a rural road network.
- There was concern about the additional demand that would be placed on the local GP surgery with no additional funding available to the surgery.
- There was doubt over the ability of the utilities to service the site.
- There would be an impact on individual homes and concerns had been expressed that the height of the new building would result in a loss of light for some neighbouring properties. However, the closest property was 22.5 metres from the development.
- The case had not been made for the demolition of part of the listed building.
- The new building was considerably larger than the existing building.

The debate opened and the following principal points were made:

- A good use had been found for the listed building which would preserve and enhance it. The scheme represented sustainable development in accordance with the National Planning Policy Framework.
- There were no objections from English Heritage.
- The objections advanced were not sufficient to outweigh the benefit of the development.

Councillor Price was given the opportunity to close the debate but had no additional comment.

#### **RESOLVED:**

**(A) In respect of P133440/F:**

**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. H13 Access, turning area and parking**
- 4. The recommendations set out in Section 7.1 and 7.2 of the Phase I report and Sections 4.1, 4.2, 4.3 and 4.4 of the Phase II report he ecologist's reports dated 2011 and December 2013 respectively should be followed in relation to the identified protected species. Prior to commencement of the development, a full working method statement incorporating all mitigation proposals should be submitted to, and be approved in writing by, the local planning authority, and the work shall be implemented as approved.**

**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, Policies**

**NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan, the relevant aims and objectives of the National Planning Policy Framework and the NERC Act 2006.**

- 5. 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 comply with Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire's Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework in relation to Nature Conservation and Biodiversity and to meet the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and the NERC Act 2006.**

- 6. In addition, the recommendations for habitat enhancement for reptiles and amphibians should be incorporated into a habitat enhancement plan for the site which should include the elements of the construction method statement relating to ecology and vegetation on the site.**

**Reasons: To comply with Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire's Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework in relation to Nature Conservation and Biodiversity and to meet the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and the NERC Act 2006.**

- 7. The recommendations set out in Section 4.3 and 4.4 the Phase II Nicholas Pearson ecologist's report dated December 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

**Reason: To comply with Policies NC1, NC6, NC7, NC8 and NC9 of Herefordshire's Unitary Development Plan and the relevant aims and objectives of the National Planning Policy Framework in relation to Nature Conservation and Biodiversity and to meet the requirements of the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and the NERC Act 2006.**

- 8. No net increase of surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with Herefordshire Unitary Development Plan policy CF1.**

- 9. The development of the site with the Welsh Water Dwr Cymru water main located as shown on the attached plan in Annex 1 to this Decision notice, shall be carried out in strict accordance with the**

**following requirements and conditions:-**

**1. No structure is to be sited within a minimum distance of 4 metres from the centre line of the pipe. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.**

**2. Adequate precautions are to be taken to ensure the protection of the water main during the course of site development.**

**3. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.**

**4. The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.**

**5. The existing ground cover on the water main should not be increased or decreased.**

**6. All chambers, covers, marker posts etc. are to be preserved in their present position.**

**7. Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.**

**8. No work is to be carried out before this Company has approved the final plans and sections. Confirmation of this approval shall be sent to the Local Planning Authority by the developer upon receipt.**

**These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with Welsh Water Dwr Cymru's quotation and other associated documentation relating to this development.**

- 10. C01 Samples of external materials**
- 11. D04 Details of window sections, eaves, verges and barge boards**
- 12. D05 Details of external joinery finishes**
- 13. D08 Repairs to external brickwork**
- 14. D10 Specification of guttering and downpipes**
- 15. D11 Repairs to match existing**
- 16. D14 Salvage recording**
- 17. D24 Recording**
- 18. F02 Restriction on hours of delivery**



19. **F06 Restriction on Use**
20. **F16 No new windows in specified elevation**
21. **G02 Retention of trees and hedgerows**
22. **G04 Protection of trees/hedgerows that are to be retained**
23. **G09 Details of Boundary treatments**
24. **G10 Landscaping scheme**
25. **G11 Landscaping scheme - implementation**
26. **G16 Landscape monitoring**
27. **H21 Wheel washing**
28. **H26 Access location**
29. **H27 Parking for site operatives**
30. **H29 Secure covered cycle parking provision**
31. **H30 Travel plans**
32. **I16 Restriction of hours during construction**
33. **I20 Scheme of surface water drainage**
34. **I27 Interception of surface water run off**
35. **I33 External lighting**
36. **M02 Limit rate of surface water discharge**
37. **M15 Car park drainage**
38. **During the construction phase a nominated person shall be appointed as a liaison officer through whom any problems encountered by the local community can be expressed and resolved. The appointed persons name and contact details shall be displayed on the site entrances during this time period.**

**Informatives:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan in Annex 1 to**

**this Decision Notice. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.**

- 3. HN07 Section 278 Agreement**
- 4. HN05 Works within the highway**
- 5. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 6. N11C General**

**(B) In respect of P133445/L:**

**That Listed Building Consent be granted subject to the following conditions:**

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. D02 Approval of details**
- 3. D04 Details of window sections, eaves, verges and barge boards**
- 4. D05 Details of external joinery finishes**
- 5. D08 Repairs to external brickwork**

## **182. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

### **Appendix 1 - Schedule of Committee Updates**

The meeting ended at 12.58 pm

**CHAIRMAN**

# **PLANNING COMMITTEE**

**Date: 23 April 2014**

## **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

**P140531/O - RESIDENTIAL DEVELOPMENT COMPRISING 20 OPEN MARKET HOMES AND 10 AFFORDABLE HOMES. AT QUARRY FIELD, COTTS LANE, LUGWARDINE, HEREFORDSHIRE, HR1 4AA**

**For: Mrs Seymour per Mr James Spreckley, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS**

### **ADDITIONAL REPRESENTATIONS**

**Conservation Manager (Historic Buildings):** The comments in the published report are those taken from the original consultation response to the first planning application S131964/O. Below are updated comments provided in response to this application, taking into account the submission of a Heritage Impact Assessment. An objection is maintained:

*“As stated in my previous comments the application site is to the west of the historic centre of Lugwardine which is covered by a conservation area designation. Though the site is significantly outside the conservation area there are a number of nationally listed buildings and buildings of local interest along the A438 which form an historic western entrance to the village. Add to these built environment heritage assets the locally important landscapes of Lugwardine Court and New Court and this entry to the village becomes visually rooted in the history of the area.*

*The revised housing scheme would mimic the previous scheme in placing a significant number of new houses behind the current buildings lining the village road. It would have a single entry point to the development located half way up a hill on the A438. This entry appears to be a wider version of an existing access route between Croft Cottage and Green Croft. The existing appearance of the access, devoid of any greenery and with hardstanding abutting Croft Cottage and the close boarded fence of Green Croft, does not enhance the village character and gives a feel of the proposed character of this entrance once developed. As the revised proposal does not appear to have improved the previous scheme in this respect my comments still stand, that the form it is not considered acceptable in design terms as it is cramped and constricted and therefore does not enable any appropriate soft landscaping to help assimilate the scheme into the village character.*

*The housing development would adjoin the west boundary of Rose Cottage, The Malt House and also The High House, all grade II listed buildings fronting onto the main road. The development would be within the setting of these listed buildings and it is considered that the proposed housing scheme would be visible as a backdrop to the listed buildings. It would therefore have a visual impact, though this does not seem to have been assessed in the Heritage Assessment or the Landscape Visual Impact Assessment. The topographic survey indicates that the housing would be roughly on a level with the listed buildings but is likely to be visually of larger scale which could adversely affect the setting. This would be contrary to Policy HBA4. An outline application is not considered sufficient detail to properly assess the impact of a development on a listed building.*

*I still question the overall housing layout which still does not utilise the entire field and therefore reiterate the previous comments. The remaining area of field not used by the development would have an awkward and contorted boundary with the housing, stemming*

*from the cul de sac bubble formation of the development. It would be more appropriate to establish a sensible boundary to the development which respected the surrounding landscape and historic character and then to develop a suitable housing layout from there. It is not considered that the cul de sac layout is appropriate for a development of this size in a village location.*

*The current layout shows that there would be a sea of concrete pavements throughout most of the development frontage which does not reflect the village character or appearance.”*

### **Footway Improvements**

Subsequent to the report being published the agent has submitted a significant amount of information relating to potential footway widening along the A438 and the proposed pedestrian/cycleway link onto Cotts Lane to the immediate north of the site. This information has been reviewed by the Traffic Manager, but given the lateness of the submission it has not been possible to arrange for wider re-consultation with interested third parties.

Along the A438 the proposals envisage widening the footway to the widest extent and either renewing or repairing the existing retaining wall. Pedestrian guardrails are proposed.

The Traffic Manager is not satisfied that the full extent of the envisaged improvements is capable of delivery and confirms that the information submitted hitherto would not be sufficient to obtain 'Approval in Principle' from the highway authority. The submitted drawings indicate that the proposed railings will intersect with the visibility splay at an oblique angle and the impact on achievable visibility has not been fully ascertained. At certain points it is not clear that the improved footway widths shown could actually be achieved within existing constraints.

The Transport Assessment now indicates that to address the lack of footway along Cotts Lane, it is proposed to demarcate with white lining a suggested pedestrian route over a short length of the lane. This is shown on the drawing as being along the narrowest section of Cotts Lane, where the road is currently only 4m in width and no width of route has been indicated and no explanation has been submitted in the document to support these proposals. The initial view is that the proposal may give pedestrians a false sense of protection on this length of road, and is out of place with no footway to the east to link to at the end of the demarcation.

### **OFFICER COMMENTS IN RELATION TO FOOTWAY IMPROVEMENTS**

The provision of additional information notwithstanding, it has not been demonstrated that the full extent of the footway widths could be delivered within existing constraints and given the lateness of submission and intervening holiday period third party consultation on the proposals has not been possible. Whilst it may be possible to achieve a degree of improvement, officers are not confident that the improvements can be delivered to the extent shown and Members are advised to consider the application on the basis of the published report.

### **NO CHANGE TO RECOMMENDATION**

