

Supplement to the agenda for

Planning and regulatory committee

Wednesday 27 February 2019

10.00 am

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

Schedule of Updates

Public Speakers

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PLANNING COMMITTEE

Date: 27 February 2019

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

183841	HYBRID APPLICATION INCLUDING A FULL APPLICATION FOR STUDENT ACCOMMODATION, COMPRISING 178 NO. BEDROOMS, INCLUDING HARD AND SOFT LANDSCAPING AND AN OUTLINE APPLICATION FOR A STANDALONE ANCILLARY COMMERCIAL ELEMENT AT CAR PARK, STATION APPROACH, HEREFORD, For: Cityheart Partnerships Ltd per Mr Andrew Bates, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff CF24 5EA
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ADDITIONAL INTERNAL CONSULTATIONS

Transportation Manager has commented as follows on additional information:

As per the email below I have reluctantly agreed a compromise with Andrew Bates (who has confirmed with the operator) regarding the cycle parking whereas not all 178 students will have access to the cycle store, they will have to request access. This will at least reduce potential instances of theft and increase student's confidence in using the store. Due to the restriction in access I have requested that they provide a few covered Sheffield stands for any visitors to the site to be placed outside the building entrance. The usage of these stands should be monitored as part of the Travel plan and more provided if necessary.

Waste Management comments

The tracking drawing shows the RCV is required to travel into 2 car parking spaces in order to turn. Details should be provided that explain how it will be ensured these spaces are kept clear between 06:30 and 17:00 on collection day to allow the RCV to turn.

ADDITIONAL REPRESENTATIONS

Additional representations were also received following the publication of the report as follows:

Mr J Hunter – Tod:

I am concerned that the Report to the Committee does not seem to address my objection (and similar objections from others) over the lack of suitable compensatory car parking for the change of use of the site. Please could you advise where I have missed not seeing this detail in the long Report, even though my name is recorded in the Report as an Objector.

Mr Palgrave

The Officer Report for this application does not refer to the point I made in my second response, i.e. that the use of natural gas as a source of energy to produce hot water in this development would not be the most appropriate design given the need to reduce and curtail the use of fossil fuels.

Core Strategy Policy SD1 (Sustainable Design and Energy Efficiency) must apply where it states:

"Developments should also utilise physical sustainability measures that include, in particular, orientation of building, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure"

The Committee on Climate Change published [an opinion](#) yesterday saying that:

"From 2025 at the latest, no new homes should be connected to the gas grid. They should be heated using low-carbon energy sources,"

Natural gas is not a low carbon energy source. Can we not follow the CCC's advice for the student accommodation and design out the use of gas? Could this be achieved by conditioning a grant of permission?

OFFICER COMMENTS

Transportation Matters

The Transportation manager has considered the additional information provided and comments are detailed above. Conditions are already suggested and cover the matters raised.

Noting the comment of the Waste management team, this matter will need to be resolved within the Travel / Management Plan and has been brought to the attention of the applicant.

Car Park loss and masterplan

The car park was a temporary permission granted in 2013. It was not part of a wider car park strategy for the city and was a short term use of land following demolition of Rockfield and delivery of the Link Road works.

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=131240&search=131240

Council Officer have also confirmed that a masterplan will be prepared to guide delivery of the Council's Economic Vision. Work to formally initiate the necessary work stream to produce a masterplan for the Urban Village (ESG Regeneration Area) will be post-election, and whilst funding is in place for that work a formal decision to approve the expenditure. With the impending election the presentation of the report is being held until Purdah has expired.

Landscape / Tree Plan

Officers have received and updated Tree report and Landscape Plan intended to address the concerns raised on the consultation. Verbally the Tree Officer has confirmed that the suggestions made are acceptable. These plans include the retention of the trees to the north. An amendment to the landscaping to the east (rear boundary) and some additional planting to the street frontage. However, this matter will need to be resolved by condition to ensure that consultation is undertaken with Network Rail.



Use of Gas (Sustainable development)

The comments in respect of gas usage are noted, but there is no specific policy that precludes development. The use of ground source heat pumps and other renewable sources are encouraged but are not always appropriate or possible. For instance, in this case, the sewer pipe is a significant constraint.

Transport Hub progress

At the site visit a query was raised about the progress of the Transport hub that will be located to the north of the site. The Head of Infrastructure Delivery (Mairead Lane) has confirmed that the design of the 'hub' and Commercial Road / Blueschool Street public is being progressed by BBLP / WSP and they are currently programmed to be consulting about proposals in the Autumn of this year. The area of old Royal Mail car park land to the front of train station acquired as part of the CLR scheme is retained to deliver the hub in conjunction with Network Rail land to the front of the station.

Additional CGI / photo Montages

Additional images have been provided by the applicants and are inserted below for your information / consideration (they will also be displayed during the presentation).







NO CHANGE TO RECOMMENDATION

<p>TITLE OF REPORT:</p>	<p>174097 - RETROSPECTIVE PERMISSION FOR THE USE OF THE LAND FOR WOOD CHIPPING WITH WOOD STORAGE YARD AND BUILDINGS TO INCLUDE; OFFICE BUILDING, CHIP STORES, DRYING FLOOR, FAN HOUSE AND BOILER HOUSE WITH BIOMASS PLANT TO GENERATE 80KW OF ELECTRICITY AT MILE END, BROAD LANE, LEOMINSTER, HEREFORDSHIRE, HR6 0AL</p> <p>For: Mr Saer per Mr Ray Williams, Kinnersley House Barn, Kinnersley, Worcester, Worcestershire WR8 9JR</p>
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ADDITIONAL REPRESENTATIONS

Additional representation received from the River Lugg Drainage Board on the 19th February 2019 confirming that the following:

The land drainage consent application for Mile End has been approved (copy attached) – if required please see attachment “Mile End LDC (4)” for approval page

If the planning application is approved are you able to add the following conditions:

1. *The drainage system is subject to regular maintenance.*
2. *Unimpeded access to the 9m maintenance strip alongside the watercourse is available at all times*

OFFICER COMMENTS

Condition 11 within the Officers report covers the implementation of the surface water management plan and its maintenance. Informative 4 covers the access strip of 9m requirement.

NO CHANGE TO RECOMMENDATION (other than the changes to conditions outlined below)

The supporting documents listed in paragraph 1.13 of the Officers report should include the following:

- Surface Water Management Plan: The design of stormwater storage and attenuation systems - Reference No: 1010290 (cou9019 - 1)

In paragraph 1.8 it should read that the business provides full time employment for 17 people.

Following further consideration and through conversations with the applicant the following amendments have been made to conditions 3 and 10 in the interest of protecting the local amenity:

3.The movement of a wood chipper on and off the site and the delivery of logs of chippings, shall not take place before 07:00 Monday to Friday or between the hours of 1730 of Friday to 0830 on Saturday and not at all on Sundays or Bank and Public Holidays.

10. Within 3 months of the date of this permission a detailed Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall ensure that the noise from the proposed two stacks to be erected from the CHP plant shall not exceed 5dB above the background sound level at the nearest sensitive receptor between the hours of 23:00 and 7:00. The plan shall also ensure that the maximum level of noise from the woodchipper when in operation at 10m away shall not exceed 91dB nor an LAMAXF of 94dB.

The Noise Management Plan shall be reviewed, and the review recorded in writing (acknowledging any complaints, concerns, actions or training recorded) that have arisen) annually thereafter by the 1st March in each successive year. Any alteration to the Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

In addition to address concerns addressed by the Parish Council and local residents the applicants have offered to apply to divert the PROW which runs through the site if permission is granted. Therefore the following condition is recommended:

12. Within 3 months of the date of this permission an application to divert the public right of way LJ36 shall be made in accordance with section 257 of the Town and Country Planning Act 1990.

Reason: To ensure the public way is not obstructed and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

The following additional informative is recommended:

Informative 5 should read:

- A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. Condition 12 attached requires the applicant to apply under Section 257 of the Town and Country Planning Act 1990 to divert the PROW within 3 months of the date of permission.

183083	<p>CHANGE OF USE OF AGRICULTURAL BUILDINGS AND LAND TO RESIDENTIAL DEVELOPMENT (USE CLASS C3). INCLUDING DEMOLITION, CONVERSION AND EXTENSIONS OF AGRICULTURAL BUILDINGS TO FORM 3 NO. DWELLINGS AT MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF</p> <p>For: Helen Beale per Mr Greg Collings, 1 Kings Court, Charles Hastings Way, Worcester, WR5 1JR</p>
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ADDITIONAL REPRESENTATIONS

None

OFFICER COMMENTS

Corrections to report:

Paragraph 6.8 should read:

Access onto the site will be taken from the west of Magnolia Farm Road. There are currently three accesses to the site – one to the north of the most northern barn, one in between the two barns and one to the south of the southern barn. The most northern access will be retained with the other two closed and a middle access essentially being relocated more centrally on the site.

NO CHANGE TO RECOMMENDATION

180573	<p>(RETROSPECTIVE) STORAGE BUILDING AT LAND AT SHUTTFIELD COPPICE, STORRIDGE, MALVERN</p> <p>For: Mr Abbots per Mr Alan Steele, Corse Grange, Gloucester Road, Corse, Gloucestershire, GL19 3RQ</p>
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ADDITIONAL REPRESENTATIONS

Three further emails have been received from local residents, two of which have been circulated to Planning Committee members.

The first email sets out a series of points which are summarised as follows:

1. The main concern is that such a large building is justified for the purpose of supporting agricultural/forestry activities on a 4.2 hectare holding.

2. The building is not of a typical agricultural design and more in line with use for commercial or residential purposes.
3. Local residents engaged the services of a specialist surveyor for a professional opinion on the credibility of the application. It concluded that there was not a justified need for a building to serve the land.
4. Officers have previously advised residents that this retrospective application would be appraised as a 'new' application, as though the building did not exist and any previous applications would then be null and void. Despite this the planning officer relies substantively in his report on the decision to recommend approval on the previous 2013 prior approval.
5. The planning history section of the report does not refer to the original prior notification N/111951, dated July 2011 for a 'barn' for the purposes of storing hay and bringing on calves and lambs.

The email goes on to outline the history of the site as follows:

- (i) July, 2011, the applicant purchases site of circa 8 hectares, applies for a barn circa 170 m², volume circa 655 m³ for the purposes as described above and HCC approve the application. The building is never constructed.
- (ii) August 2013 – having sold off 2.4 hectares of his holding, the applicant applies for a storage building N131241 to replace the previous barn (we believe partly to obviate a potential challenge the legitimacy of the previous application). The proposed building is of a similar footprint to previous but with an increased height making it 25% bigger in volume although the site is now reduced to 5.68 hectares. HCC approve the application.
- (iii) January 2018 – the storage building was constructed but not to the specification or design as approved and HCC Enforcement deem it illegal and order it is removed or that the applicant applies for full planning.
- (iv) February 2018 to date – brings us to the current application – the proposed building is a similar footprint and overall size but the holding is further reduced to 4.2 hectares. Over the 7 year period the proposed building is some 25% higher than the original on a holding reduced by some 50% on the original.

Over this 7 year period there has been no agricultural/forestry activity carried out and the current reduced holding presents very little opportunity to do so

The second email is concerned that the officer's report is not fair consistent or objective in its assessment of the proposal. In summary, the following points are raised:

1. Within a small radius of the site in question there have been numerous applications for barns rejected. The site in question and the applicant has no history of agriculture or farming and has not stated or shown any intention of doing so and offering no agricultural business plan.
2. The granting of permission for agricultural buildings is meant to be objective. The report relies entirely on subjective opinion. The main argument appears to be that the land had previously had a grant of permission for a 28-Day barn application, but close inspection shows that; had the Planning Department exercised due diligence, they would have called for a full planning application and most likely rejected it.

3. What we are seeing now is one bad decision following another to cover up the lack of due diligence by the Planning Department on previous applications. This will continue if this application is approved, as the proposed planning conditions are ignored.
4. Adoption of the recommendations in this report would bring the integrity of the Planning Department and the Council as a whole into question.

The third email from a local resident refers to a meeting attended by the then case officer, Gemma Webster, and the Lead Development Manager on Thursday 8th March 2018 and the apparent conflict between the discussions had at that time and the case officer's recommendation. The email considers that:

1. The report relies upon the previous prior approval as justification that this application is reasonably necessary for the purposes of agriculture.
2. Herefordshire Council did not follow due process or apply due diligence in determining the previous application
3. An earlier application – N111951/S which contained misleading information and was deemed not to require planning permission; notwithstanding the fact that it was to be located within 400 metres of a protected building, is not mentioned in the report
4. There has been no agricultural or forestry business on the holding since the applicant's purchase of the land in 2011.

OFFICER COMMENTS

The issue of need for a building to serve the land is dealt with in the main body of the report and need not be re-iterated here.

The officer's view is that the building is reasonably designed for the purposes of agriculture. It is a simple steel framed construction and is clad in a combination of timber and profiled sheet – entirely typical for a building of this nature.

The planning history does not refer to an earlier prior notification submission made under application reference N111951/S as this was proposed on a different parcel of land. For the avoidance of doubt, the building has not been constructed and the prior approval has lapsed.

The second email refers to 'numerous' applications for barns that have been rejected. The correspondence does not refer specifically to application references or sites and the case officer is not aware of any recent determinations within the locality.

The application has been considered on its merits. A further site visit has considered the locations referred to in the third email and the case officer remains of the view that the building is not unduly prominent in the landscape. Any views that are gained are seen in the context of a group of predominantly residential buildings in an otherwise rural landscape within the Malvern Hills AONB. Its impacts are considered to be, at the most, limited, and on this basis there is no change to the recommendation.

NO CHANGE TO RECOMMENDATION

PLANNING AND REGULATORY COMMITTEE

27 February 2019

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Cityheart Partnerships Ltd per Mr Andrew Bates	Hybrid application including a full application for student accommodation, comprising 178 no. Bedrooms, including hard and soft landscaping and an outline application for a standalone ancillary commercial element at Car Park, Station Approach, Hereford,	183841	51
OBJECTOR		MR J MILLN (Hereford Civic Society)		
SUPPORTER		ABIGAIL APPLETON (Principal - Hereford College of Arts) and MR A GOURLAY (Director - Cityheart)		
7	Mr Saer per Mr Ray Williams	Retrospective permission for the use of the land for wood chipping with wood storage yard and buildings to include; office building, chip stores, drying floor, fan house and boiler house with biomass plant to generate 80kw of electricity at Mile End, Broad Lane, Leominster, Herefordshire, HR6 0AL	174097	127
PARISH COUNCIL		MRS A EGERTON (Luston Group PC)		
OBJECTOR		MR G DOWNES (Local resident)		
SUPPORTER		MR R WILLIAMS (Applicant's agent)		
8	Helen Beale per Mr Greg Collings	Change of use of agricultural buildings and land to residential development (use class c3). Including demolition, conversion and extensions of agricultural buildings to form 3 no. Dwellings at Magnolia Farm, Canon Bridge, Hereford, HR2 9JF	183083	163
OBJECTOR		MR S FORTESCUE (local resident)		

9	Mr Abbots	180573	185
	per	(Retrospective) storage building at land at Shuttfeld Coppice, Storridge, Malvern	
	Mr Alan Steele		
	PARISH COUNCIL	MR W HARRIES (Cradley and Storridge PC)	
	OBJECTOR	MS S THOMAS (local resident)	
	SUPPORTER	(TBC) (Applicant/Applicant's agent)	