



## **Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 27 February 2019 at 10.00 am**

**Present:** Councillor PGH Cutter (chairperson)

**Councillors:** BA Baker, WLS Bowen, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, AW Johnson, FM Norman, AJW Powers, A Seldon and SD Williams

**In attendance:** Councillors PA Andrews, E Chowns, NE Shaw, J Stone and DB Wilcox

### **114. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors J Hardwick, EL Holton, MD Lloyd-Hayes, NE Shaw, and WC Skelton.

### **115. NAMED SUBSTITUTES**

Councillor WLS Bowen substituted for Councillor EL Holton, Councillor AW Johnson for Councillor NE Shaw and Councillor A Seldon for Councillor MD Lloyd-Hayes.

### **116. DECLARATIONS OF INTEREST**

#### **Agenda item 7: Mile End, Broad Lane, Leominster**

Councillors BC Baker and WLS Bowen declared other declarable interests as council appointees to the River Lugg Internal Drainage Board.

### **117. MINUTES**

It was highlighted with reference to the minutes of the meeting held on the afternoon of 23 January that the final paragraph of Minute 111 prior to the resolution omitted the reasons for refusal, as advanced and reflected in the resolution below that paragraph, and required correction accordingly.

#### **RESOLVED:**

- That (a) the minutes of the meeting held on the morning of 23 January 2019 be approved as a correct record and signed by the Chairman; and
- (b) the minutes of the meeting held on the afternoon of 23 January 2019, as amended, be approved as a correct record and signed by the Chairman.

## **118. CHAIRPERSON'S ANNOUNCEMENTS**

A Member sought clarification on the implications of the judicial review decision notice in relation to application 173669: land at Woonton, Almeley that had been approved by the Committee on 27 June 2018. The Chairperson agreed to arrange for an answer to be provided and included in the minutes.

## **119. 183841 - CAR PARK, STATION APPROACH, HEREFORD.**

*(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.)*

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking Mr J Milln of Hereford Civic Society spoke in objection to the proposal. Mr A Gourlay of the Cityheart Partnership and A Appleton – Principal of Hereford College of Arts spoke in support of the application.

In accordance with the Council's Constitution, the local ward member, Councillor PA Andrews and the adjoining ward member Councillor DB Wilcox spoke on the application.

Councillor Andrews made the following principal comments:

- The art college and the new university needed good quality affordable accommodation for their students.
- The location was ideal with easy access to the college and the city.
- The design had been amended to blend in much better with the surrounding buildings. It was unfortunate that Historic England maintained its objection on heritage grounds.
- Overall the benefits of the scheme outweighed any harm as concluded in the report.

Councillor Wilcox made the following principal comments

- The developers had acknowledged concerns about the original design and had amended it.
- The residents of Barrs Court Road had no objection.
- The height was his biggest reservation. However, the roofline had been reduced in height and was now sympathetic to Barrs Court Road.
- The city would benefit from additional students. The scheme was in a suitable location and would be attractive to them.
- Landscaping was required, mindful of the removal of some trees, as noted in the comments of the Service Manager Built and Natural Environment set out in the report. This was addressed by a recommended condition.
- He had some reservations about the proposed black cladding on the side facing Barrs Court which he did not consider to be sympathetic to the area. The conditions provided the opportunity for these concerns to be addressed.
- Such complaints as he had received had mainly related to the loss of the current temporary car park. He did not consider this to be relevant as the temporary car park had never formed part of the city car parking strategy.

- Overall the need for the facilities the scheme would provide warranted support for the application.

In the Committee's discussion of the application the following principal points were made:

- The absence of a masterplan for the City was regrettable and was leading to piecemeal development. It was essential that accommodation needs and people movement issues were addressed in the round.
- There had been a considerable amount of work done to improve the scheme and it could now be judged to conserve and enhance the area.
- It was noted that the City Council had originally opposed the proposal but had now withdrawn its objection.
- The location was satisfactory.
- The design of the scheme had been modified in haste and remained poor. Far too much of the design and other elements that should have been included in the application were proposed to be dealt with through conditions over which the Committee would have no oversight.
- This gateway site deserved better. The building was out of keeping with its context and did not provide an attractive living environment.
- One of the problems was the site itself and its constraints such as the main sewer. These limitations meant a design could not be developed to meet the requirements of the National Planning Policy Framework (NPPF). Historic England had objected to the scheme. It had stated that the application failed to comply with the social objective of the NPPF.
- There was inadequate outdoor and green space, token cycle storage provision, poorly sited bin storage and insufficient access for emergency services or arriving and departing students.
- There was no plan for the displaced station car parking.
- Alternative sites could be considered. A better scheme could be developed.
- In terms of sustainable design the absence of green space was unacceptable noting its importance to health and wellbeing.
- There was concern that the building would inhibit the development of the proposed transport hub.
- A concern was expressed about the absence of consultation with the primary care providers.
- The scheme would result in the loss of the current temporary car park. Parking was a problem in the city for both visitors and workers.

In response to questions the Lead Development Manager commented:

- The provision in the heads of terms to provide infrastructure at Hereford hospital was a one off sum.
- The value of the council owned land that was being gifted to the scheme was not a planning issue.
- Welsh Water had confirmed that they were on track to deliver the necessary infrastructure in advance of the development.

The Lead Development Manager added that he acknowledged concerns about the absence of a masterplan for the development of the city. The committee update noted that this was in preparation. Considerable work had been undertaken by the case officer

and the Principal Historic Buildings Officer to produce the design submitted to the committee for approval.

The local ward member and the adjoining ward member were given the opportunity to close the debate.

Councillor Andrews observed that design was a subjective matter.

Councillor Wilcox commented that he could not think of suitable alternative sites close to the colleges. The site was close to the city centre and provided transport connections. An area plan was being developed but the provision of such essential facilities could not be delayed until it was in place.

Councillor Edwards proposed and Councillor Greenow seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 10 votes in favour, 2 against and 1 abstention.

**RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:**

**1. C02 Time limit for submission of reserved matters (outline permission)**

**Application for approval of the reserved matters (for the proposed ancillary commercial element as areas detailed on drg no. only) shall be made to the local planning authority before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990**

**2. C03 Time limit for commencement (outline permission)**

**The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**3. C04 Approval of reserved matters**

**Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") for the proposed ancillary commercial element as detailed on drg no. shall be obtained from the local planning authority in writing before any development is commenced.**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**4 CNS Pursuant to condition 1, the reserved matters application for the proposed ancillary commercial element shall include all details of all**

**external plant (such as commercial kitchen exhaust ventilation / air conditioning)**

**Reason:** To ensure that the impact upon the amenity of residents can be properly considered having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

**5. C06 - Approved Plans**

**Pre-commencement Conditions (any works)**

**6 CNS – Legal / Contributions**

**No development shall take place until evidence has been submitted to and approved by the local planning authority demonstrating to its satisfaction that suitable arrangements have been made for the provision of;**

- the provision of healthcare services at Hereford County Hospital
- the provision of a Flood Warning System

**Reason:** To ensure that suitable mitigation is provided in respect of the effects of the development on local infrastructure having regard to the requirements of policy ID1 of the Herefordshire Local Plan – Core Strategy

**7 CNS – Drainage Scheme (Surface and Foul Water)**

**Notwithstanding the submitted plans, no development shall commence (other than ground investigation) until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained; the means of disposal of surface water and indicate how foul flows will communicate to the public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further surface water or land drainage shall be allowed to connect directly or indirectly with 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 pollution of or detriment to the environment having regard to the requirements of policy SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

**8 Nature Conservation – Ecology protection & CEMP**

**Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include:**

**Timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process, establishment of Tree Root Protection Areas, in accordance with BS:5837 (2012) and the tree survey and arboricultural report (Ecus Ltd, September 2018).**

**Reasons:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

**To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).**

## **9 CNS – Contaminated Land**

Prior to the commencement of development a timetable that details the undertaking of additional survey work (identifying any other works also being undertaken at that time / phasing) and completion of reports, that addresses the following requirements, shall be submitted to and approved in writing by the local planning authority:

- a) completion and submission of a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), then an investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Works and submissions shall be carried out in accordance with the approved timetable.**

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework (2018)

## **10 CNS – Construction Management Plan**

Prior to the commencement of works (other than ground investigation) to each phase (accommodation and commercial) a construction and waste management plan has been submitted to and approved in writing by the local planning authority.

**The Plans shall include, but not be limited to:**

- Site waste management Plan

- Construction lorry routes
- Site compound location
- Access, turning area and parking for delivery vehicles, including hard-surfaced areas
- Emergency / site contacts during the construction period
- Parking provision for construction workers
- Measures to promote sustainable means of transport for construction staff with respect to the construction site

**Works shall be carried out in accordance with the approved Construction Management Plan for each phase and any amendments or alterations during the construction phases should be submitted to and agreed in writing by the Local Planning Authority.**

**Reason:** In the interests of highway and pedestrian safety, residential amenity having regard to Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy

## 11 CNS – Tree Protection

**No works shall commence on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:**

- a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction. Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.
- b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.
- c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.
- d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.
- e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value.

## Pre-commencement conditions (specific elements / phases)

- 12 CNS – Additional Details (external appearance)**  
With the exception of any site clearance and groundwork, no further development shall take place until the following details are submitted to and approved in writing by the local planning authority.
- External materials, details and samples
  - Details of heads, sill and reveals of window openings
  - External Joinery details
  - Details of any solar shading.
  - Details / samples of rainwater goods, external plant, vents etc (including finish colour)

Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework.

- 13 CNS - Nature Conservation - Mitigation and Enhancement**

With the exception of any site clearance and groundwork, no further development shall take place until detailed biodiversity enhancement scheme should be submitted to and be approved in writing by the local planning authority, and shall include: Details of landscape planting scheme to include native tree and shrub planting, and wild flower planting areas/species of benefit to insect pollinators.

Provision of additional habitat for nesting birds and bats, including swift boxes and bat boxes eg. Schwegler woodcrete nest boxes, to be installed under ecologist guidance.

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

**Reasons:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

- 14 CNS – Landscaping Scheme**

With the exception of any site clearance or ground works no further development shall commence on site until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

**Soft landscaping**

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas.
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

### **Hard landscaping**

- a) Existing and proposed finished levels or contours (topographical plan and datum point outside of the site)
- b) The position, design and materials of all site enclosure (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas
- d) Hard surfacing materials
- e) Minor structures (e.g. play equipment, street furniture, lighting, refuse areas, signs, cycle parking etc.)
- f) Location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.)
- g) Any retained historic features and proposals for restoration

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## **15 CNS – Noise / Ventilation**

**With the exception of any site clearance and groundwork, no further development shall take place until the following details relating to noise, ventilation and air quality are submitted to and approved in writing by the local planning authority:**

- Report detailing the proposals in relation to the use of trickle vents for ventilation purposes and the effectiveness / impacts on noise attenuation.
- An assessment that considers the effects of overheating using CIBSE TM59 to ensure the predicted temperatures inside the bedrooms and cluster rooms achieve overheating compliance criteria.

**Reason:** In the interests of the amenity and living conditions of occupiers having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the NPPF

## **16 CNS – Sub Station – Noise Attenuation**

**Prior to the commencement of any works to the proposed electricity sub station, details of the sound power levels of the plant to be operated within the sub-station and details of the structure of the building for noise attenuation purposes shall be submitted to and approved in writing by the local authority. (Depending on the information provided the applicant may be requested to supply a noise impact assessment according to BS4142).**

**Works shall be undertaken in accordance with the approved details prior to the first use of the substation hereby approved.**

**Having regard to the amenities of residents in accordance with the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the NPPF**

**Pre-occupation Conditions**

**17 CNS – Landscape / shared space Maintenance**

Prior to the first occupation of the building hereby permitted a scheme of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

**Reason:** In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

**18 CAE – Access**

**19 CAL – Turning / Parking**

**20 CB2 – Cycle Parking Provision**

**21 CB3 - Travel Plan**

**22 CE6 - Water Efficiency**

**23 CNS – Contaminated Land**

The Remediation Scheme, as approved pursuant to condition no. (X) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework (2018)

**24 CNS – Contaminated Land**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the National Planning Policy Framework (2018)

**25 CNS – Flood Evacuation Plan**

Prior to the first occupation of the development, a Flood Evacuation Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the local authority Emergency Planning Officer.

The Plan shall include full details of proposed awareness training and procedure for the erection of any mitigation measures, evacuation of persons and property, training of staff and method and procedures for evacuation. It shall also include a commitment to retain and update the Plan and include a timescale for revisions of the Plan.

**Reason:** To minimise the flood related danger to people in the flood risk area in accordance with Policy of the SD3 of the Herefordshire Local Plan and guidance contained within the National Planning Policy Framework

**Compliance Conditions**

**26 CBK – Restriction of hours during construction**

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**27 CNS – Finished Floor Levels (Environment Agency)**

Finished floor levels shall be set no lower than 53.60mAOD as stated in MBCE's Flood Risk Assessment Rev 0 dated October 2018 unless otherwise agreed in writing by the LPA.

To protect the proposed dwellings from flood risk for the lifetime of the development having regard to the requirements of policy SD3 of the Herefordshire Local Plan – Core Strategy and

**28 CNS – Potable Water**

The approved building shall not be brought into beneficial use earlier than 31st March 2020, unless the upgrading of the potable water network that would serve the development has been completed and written confirmation of this has been received by the Local Planning Authority.

**Reason:** To ensure satisfactory mains water supply is available to properties at all times – having regard to the requirements of policy SD3 of the Herefordshire Local Plan – Core Strategy.

**29 CNS – Double Glazing / Noise Attenuation**

All bedrooms and cluster rooms at all elevations shall be enhanced 10/12/6 double glazing with acoustic trickle vents unless alternative noise report /

**assessments and mitigation strategies are submitted to and approved in writing by the Local Planning Authority.**

**Reason:** To mitigate against anticipated increased road traffic noise on the new Link Road (Station Approach) and to protect the amenities / living conditions of occupiers having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

**30 CNS - Habitat Regulations (River Wye SAC) – Surface Water**

Surface water will be managed via mains sewer as stated in the planning application and this shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

**31 CNS - Habitat Regulations (River Wye SAC) – Foul Water Management**

All foul water shall be managed by mains sewer as stated in the planning application and this shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

**32 CNS – Species and Habitat Enhancements**

The recommendations for species and habitat enhancements set out in the recommendations of the Preliminary Ecological Assessment report (Ecus Ltd., September 2018) should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved.

Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to inspect the site and implement the measures recommended to ensure there is no impact upon protected species (nesting birds, reptiles and amphibians) by demolition of the building and clearance of the area.

**Reasons:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

**33 C97 – Landscape Implementation**

**The soft landscaping scheme approved under condition x above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.**

**Reason:** In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

- 1. Positive and Proactive 2**
- 2. Advice from West Mercia Police:**

The applicants should aim to achieve Secured by Design (SbD) award status for this development. SbD is a nationally recognised award aimed at achieving a minimum set of standards in crime prevention for the built environment. The scheme has a proven track record in crime prevention and reduction. The principles and standards of the initiative give excellent guidance on crime prevention through the environmental design and also on the physical measures. Details can be found at [www.securedbydesign.com](http://www.securedbydesign.com)

- 3. I45 - Works Within the Highway**
- 4. I09 - Private Apparatus within Highway**
- 5. I08 - Section 278 Agreement**
- 6. I05 - No Drainage to Discharge to Highway**
- 7. I54 - Disabled Needs**
- 8. I51 - Works Adjoining Highway**
- 9. I41 - Travel Plans**
- 10. I36 - Annual travel Plan Reviews**

*(The meeting adjourned between 11.23 and 11.35 am.)*

**120. 174097 - MILE END, BROAD LANE, LEOMINSTER, HEREFORDSHIRE, HR6 0AL**

*(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.)*

*(Councillor Bowen fulfilled the role of local ward member and accordingly had no vote on this application.)*

The Principal Planning Officer (PPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs A Egerton, of Luston Group Parish Council spoke in opposition to the Scheme. Mr G Downes, a local resident, spoke in objection. Mr R Williams, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor WLS Bowen, spoke on the application.

He made the following principal comments:

- The application was retrospective. The business had grown in size and was now a major wood chipping plant. It employed 17 people and was of importance to the local economy.
- The wood chipper that had been used until quite recently had been noisy and a nuisance to residents.
- Heavy goods vehicles and tractors with trailers visiting the site at all hours including late in the day and early in the morning also created noise and nuisance.
- Luston Group Parish Council had objected to the application. It suggested that it would be more appropriate if the business, given the scale it had now reached, were to relocate to the Leominster industrial estate.
- The business was in conflict with the users of the footpath running through the site. It was noted that a diversion was proposed.
- A new chipper was understood to be less noisy. It was also only on the application site itself for 9 hours of the week. The rest of the time it was being used where trees were being felled.
- Conditions were proposed to control working hours, provide screening to reduce noise nuisance and control traffic movement. It was important that these were strictly monitored and enforced. If they were not, the nuisance to residents would be too severe. If the controls were effective the operation might be manageable.

In the Committee's discussion of the application the following principal points were made:

- The access road to the site was in poor repair and very dusty. This created additional noise. The surface should be made good.
- The proposed conditions and the controls they proposed were welcome. However, it would be essential that they were rigorously enforced.
- The nuisance a business of this nature generated and the difficulties in taking enforcement action should not be underestimated.
- The footpath was in very poor state badly affected by water run-off and needed to be diverted.
- The Parish Council objected to the proposal and it was contrary to the Neighbourhood Development Plan which stated that small scale employment premises should not have a detrimental impact on surrounding residential amenity.
- The success of the business had led to it growing to the detriment of the amenity of neighbouring residents. A view was expressed that relocation to a less intrusive site

should be considered. A contrary view was that this would be costly and not practical. The location was important to the success of the business. Caution should be exercised in imposing conditions that might affect the viability of the business.

- The business should bear in mind the importance of being a good neighbour.

In response to comments the PPO clarified the background to the timescale for consideration of the application. She added that the applicant had been in discussion with Balfour Beatty Living Places and had offered to repair the bridge that the footpath crossed. This had not as yet been accepted. If planning permission were granted a route for the footpath diversion had been identified. She considered that condition 4 requiring only one chipper to operate on the site at any given one time would be enforceable. The mitigation proposed in condition 7 had been proposed by the applicant's noise experts and accepted by the Environmental Health Officer. Condition 9 could be tightened to remove permitted development rights. A condition could also be imposed to make good the surface of the farm road.

The Lead Development Manager undertook to pursue the matter of the bridge repair. He noted that condition 6 controlled the hours of operation of the chipper on site. Given that a number of refinements needed to be made to the conditions he requested that officers be given delegated authority to make such amendments following consultation with the chairperson and local ward member.

The local ward member was given the opportunity to close the debate. He noted the balance between supporting economic development and the impact on residential amenity and the importance of appropriate conditions and their enforcement if the application were to be approved. Being a considerate neighbour was also an important consideration.

Councillor Baker proposed and Councillor Edwards seconded a motion that the application be approved and officers authorised to revise the conditions following consultation with the local ward member and the chairperson to reflect points made at the meeting. The motion was carried with 7 votes in favour, 3 against and 2 abstentions.

**RESOLVED:** That planning permission be granted subject to officers being authorised to finalise the conditions following consultation with the chairperson and local ward member and impose any further conditions considered necessary.

*(The meeting adjourned between 12:45 and 12:50 pm)*

**121. 183083 - MAGNOLIA FARM, CANON BRIDGE, HEREFORD, HR2 9JF**

*(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.)*

*(Councillors Greenow and James had left the meeting and were not present during consideration of this application. Councillor Williams fulfilled the role of local ward member and accordingly had no vote on this application.)*

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, as appended to these Minutes.

In accordance with the Council's Constitution, the local ward member, Councillor SD Williams spoke on the application. He noted that the application was only before the committee because it was a council application. He highlighted the response of Madley Parish Council set out at section 5.1 of the report.

Members expressed no objections.

The Lead Development Manager confirmed that a condition removed permitted development rights. There had been full ecological surveys.

The local ward member was given the opportunity to close the debate. He had no additional comment.

Councillor Baker proposed and Councillor Johnson seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 10 votes in favour, none against and no abstentions.

**RESOLVED:** That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

1. **C01 Time limit for commencement (full permission)**
2. **C06 Development in accordance with the approved plans**
3. **C13 Samples of external materials**
4. **C27 Details of external joinery finishes**
5. **C32 Specification of guttering and downpipes**
6. **C65 Removal of permitted development rights**
7. **CAD Access gates (5m)**
8. **CAH Driveway gradient**
9. **CAL Access, turning area and parking**
10. **CAZ Parking for site operatives**
11. **CB2 Secure covered cycle parking provision**
12. **Before any work, including any site clearance or demolition begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

**Reason:** In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policy LD2.

13. **All surface water from the dwellings approved under this decision notice will be managed through a Sustainable Drainage Scheme on land under the applicant's control as stated in the planning application form and drainage report by HYDROGEO dated July 2018, and this scheme shall be maintained hereafter as approved, unless otherwise agreed in writing by the Local Planning Authority. . In compliance with Council Policy at no**

point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI.

**Reason:** In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

14. All foul water from the dwellings approved under this decision notice shall discharge through individual Package Treatment Plants with soakaway drainage fields located in the garden of each dwelling as stated in the planning application form and drainage report by HYDROGEO dated July 2018; unless otherwise agreed in writing by the Local Planning Authority. In compliance with General Binding Rules and the Council Policy at no point shall any part of any soakaway drainage field be constructed closer than 50m to the river bank or boundary of the River Wye SSSI

**Reason:** In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018), General Binding Rules, and Herefordshire Council Core Strategy (2015) policies LD2, retained Biodiversity SPG and SD4.

15. At no time shall any external lighting illuminate the gardens or area between the dwellings approved under this decision notice and the River Wye SAC (SSSI) without the prior written approval of this local planning authority. This is to ensure there is no detrimental impact on bat, nocturnal bird and small mammal commuting and foraging in the locality and to help ensure the security of local 'Dark Skies'.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2018), NERC 2006. NPPF-DEFRA Dark Skies Guidance 2013 (2018).

16. C96 Landscaping scheme

17. C97 Landscaping scheme - implementation

#### **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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

122. **180573 - LAND AT SHUTTFIELD COPPICE, STORRIDGE, MALVERN**

*(Retrospective – storage building)*

*(Councillors Greenow, James and Powers had left the meeting and were not present during consideration of this application.)*

The Development Manager (DM) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr W Harries, of Cradley and Storridge Parish Council spoke in opposition to the Scheme. Ms S Thomas, a local resident, spoke in objection. Mr G Clark, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor EE Chowns, spoke on the application.

She made the following principal comments:

- She had requested that the application be considered by the committee because of the strength of local opposition.
- The development was unnecessary and inappropriate and conflicted with core strategy policies LD1 and LD 2 and Neighbourhood Development Plan (NDP) policies CNDP 5 and 6.
- The application was for a very large barn that was out of keeping with the size of the holding and could not reasonably be considered necessary.
- There was no existing agricultural or forestry activity or history of it since the applicant bought the site in 2011. There was no economic justification for the proposal.
- The applicant had provided no evidence of need for the development.
- The design was not appropriate for the intended use. It could easily be converted to residential use noting the windows on the first floor.
- The application was retrospective. To date the barn had been used for the storage of construction machinery. It was not an appropriate location for such storage. There was no economic benefit to the community.
- Several applications to develop on agricultural land in the area had been rejected.
- The site was in the Malvern Hills AONB, in a special wildlife site and adjacent to a Site of Special Scientific Interest and ancient woodland. However, the applicant had given no consideration to the biodiversity impact in the application.
- She considered that the site was visible from public rights of way.
- Local residents considered that it did have an adverse impact on their amenity.
- The applicant had sought to apply for other development in the location.
- Whilst there was a proposed condition restricting the use of the barn to agricultural and forestry use there was insufficient hay or timber on site to justify the barn. There was local concern about the ability to enforce conditions.
- There was no evidence of any effort to conserve and enhance the landscape in accordance with policies LD1 and LD2. The development was not necessary to promote the social and economic wellbeing of the area and was detrimental in this regard. The proposal directly affected a wildlife site and there was no proposed mitigation in conflict with NDP policy CNDP 6.
- There was no evidence that the development was reasonably necessary and it should be refused.

In the Committee's discussion of the application the following principal points were made:

- The DM clarified that there had not been active management of woodland on the site. The application before the committee was not permitted development because the holding was 0.8 of a hectare below the relevant size. On holdings of more than 5 hectares a building of 1,000 square metres could be allowed as permitted development. On that basis he had concluded that the application before the committee of 170 square metres was modest. The application gave the applicant the opportunity to manage the site more actively. An application had been made under the prior approval procedure in 2013 which indicated such an intent. The current proposal differed in design and that was part of the reason for the application as was the fact that the holding had marginally reduced in size. He did consider the building to be modest in size and reasonably necessary.
- It did not appear that the building had a forestry or agricultural use. It had not been used for these purposes to date.
- Paragraph 1.2 of the report stated that the applicant had confirmed that the use of the barn would be the storage of agricultural and forestry machinery.
- The size of the holding did not justify a barn of the size indicated, which was that of an average house. There was an inconsistency within the application.
- The potential conflict between traffic and horses was a concern.
- The application was for a building in the AONB for which there appeared to be no need.
- The DM commented that he had not himself seen any plant on the premises. He emphasised that the application was not for a building to store equipment for plant hire and this must not form part of the committee's consideration. The application was specifically for agricultural storage and this was reflected in the proposed conditions. If used for agricultural storage he considered any traffic movements would be minimal and there was no basis to refuse the application on highway safety grounds.
- It was asked if condition 2 could be strengthened to restrict the storage to equipment directly associated with the management of the holding, so addressing the local concerns expressed that it was being used to store equipment associated with the applicant's plant hire business.
- Whilst the need for a building was unclear it was questioned if there were sufficient grounds on which to refuse the application.

The DM clarified that the original prior approval in 2013 had been for an L shaped building of 180 square metres. It had been concluded that prior approval was not required. It was permitted development. That building had not been constructed and a different one effectively on the same site had been built with a floor area of 168 square metres.

The Lead Development Manager referred the committee to policies LD1, LD2, CNDP 5 and 6 and section 15 of the National Planning Policy Framework (NPPF).

The local ward member was given the opportunity to close the debate. The building required planning permission. She reiterated that she considered the application contrary to policies LD1 and LD 2 and CNDP 5 and 6.

Councillor Bowen proposed and Councillor Seldon seconded a motion that the application be refused on the grounds that it was contrary to core strategy policies LD1 and LD2, NDP policies CNDP 5 and 6 and paragraph 15 of the NPPF. The motion was carried with 7 votes in favour, 2 against and 1 abstention.

**RESOLVED:** That planning permission be refused on the grounds that the application was contrary to core strategy policies LD1 and LD2, NDP policies CNDP 5 and 6 and section 15 of the NPPF and officers named in the scheme of delegation to officers be authorised to detail the reasons for refusal.

**123. DATE OF NEXT MEETING**

The Committee noted the date of the next meeting.

**Appendix 1 - Schedule of Updates**

**Appendix 2 - Response to question raised under Chairperson's Announcements**

The meeting ended at 1.55 pm

Chairperson

## **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	<p><b>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,</b></p> <p><b>For: Cityheart Partnerships Ltd per Mr Andrew Bates, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff CF24 5EA</b></p>
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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**

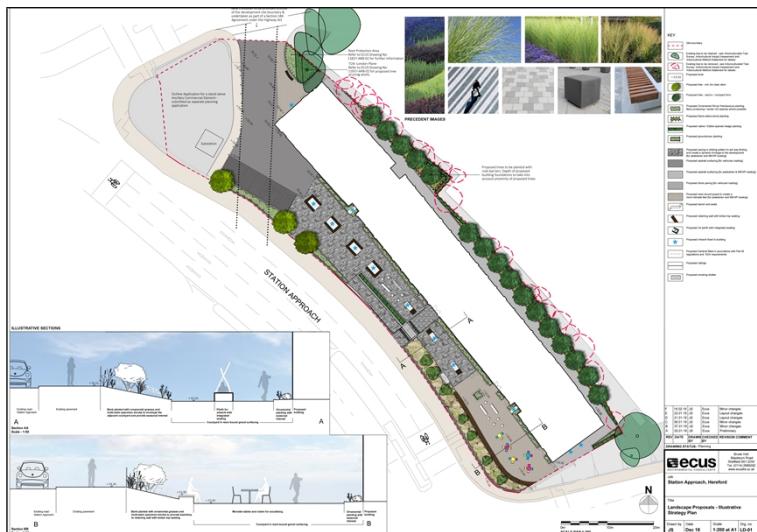
The car park was a temporary permission granted in 2013. It was not part of a wider car park strategy for the city and was a short term use of land following demolition of Rockfield and delivery of the Link Road works.

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=131240&search=131240](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

<b>TITLE OF REPORT:</b>	<b>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</b>
	<b>For: Mr Saer per Mr Ray Williams, Kinnersley House Barn, Kinnersley, Worcester, Worcestershire WR8 9JR</b>

### 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><b>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</b></p> <p><b>For: Helen Beale per Mr Greg Collings, 1 Kings Court, Charles Hastings Way, Worcester, WR5 1JR</b></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><b>(RETROSPECTIVE) STORAGE BUILDING AT LAND AT SHUTTFIELD COPPICE, STORRIDGE, MALVERN</b></p> <p><b>For: Mr Abbots per Mr Alan Steele, Corse Grange, Gloucester Road, Corse, Gloucestershire, GL19 3RQ</b></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 m<sup>2</sup>, volume circa 655 m<sup>3</sup> 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 8<sup>th</sup> 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**

**Appendix 2  
(minute no 118 refers)**

**Clarification on the implications of the judicial review decision notice in relation to application 173669: land at Woonton, Almeley, approved by the Committee on 27 June 2018.**

The officer report for this application stated that whilst the Neighbourhood Development Plan (NDP) had reached Regulation 14 stage and was a material consideration, no weight could be given to it within the planning balance.

Following the Judicial review advice is now that it is legally possible for members to attribute some weight to it in accordance with the criteria set out at paragraph 48 of the National Planning Policy Framework.

