

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JANUARY 2018
TITLE OF REPORT:	<p>163158 - DEMOLITION AND CLEARANCE OF EXISTING OPERATIONAL BUILDINGS AND ERECTION OF NEW HEADQUARTERS/ADMINISTRATIVE OFFICE BUILDING (UCO CLASS B1), INCLUDING ANCILLARY STAFF CANTEEN/MESS FACILITIES, DEDICATED STAFF AND VISITOR CAR PARKING AND MODIFICATIONS TO FORM TWO SEPARATE VEHICULAR ACCESSES (TO THE NEW OFFICES AND TO THE OPERATIONAL FARMSTEAD/PACKHOUSE AT BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET</p> <p>For: Mr Gregory per Mr Antony Aspbury, 20 Park Lane Business Centre, Park Lane, Nottingham, NG6 0DW</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163158&search=163158
Reason Application submitted to Committee – Redirection	

Date Received: 3 October 2016

Ward: Sutton Walls

Grid Ref: 352040,248110

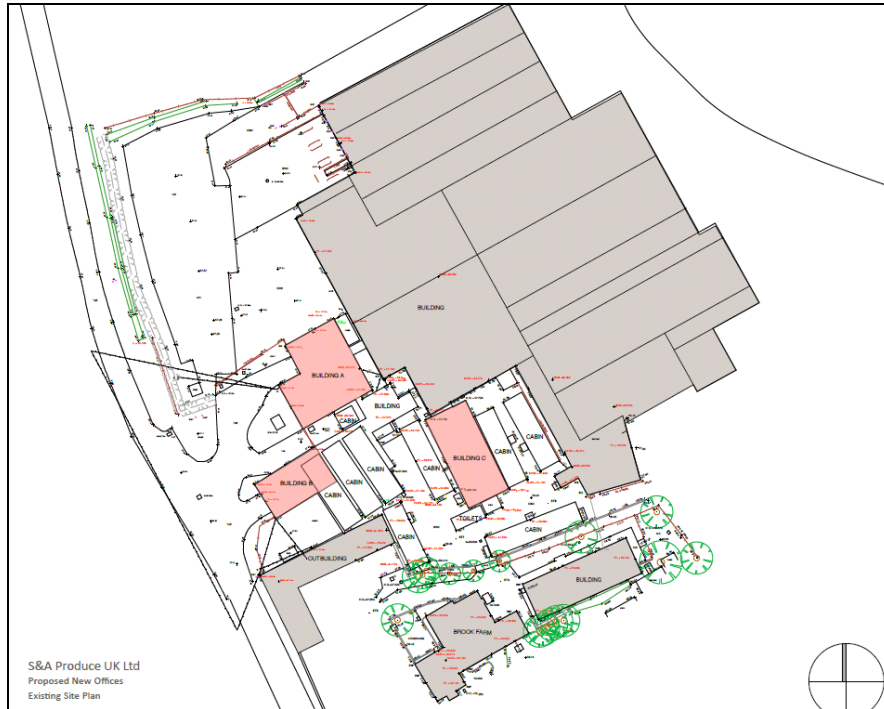
Expiry Date: 31 January 2018

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

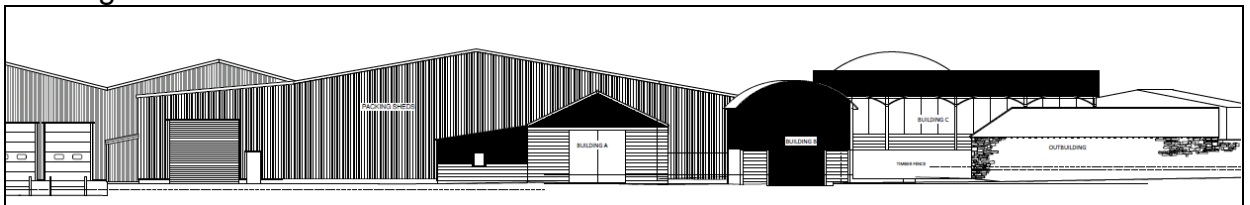
- 1.1 The Brook Farm complex, known principally for the growing, storage, packaging and distribution of soft fruit, lies approximately 1km to the north of the village of Marden. The site extends to approximately 64 hectares, the majority of which is used for the agricultural processes. Buildings within the site include Brook Farm House (Grade II listed) and its adjacent stone barns. In addition there are the packing sheds associated with the agricultural business and the seasonal agricultural workers accommodation. Existing offices have evolved overtime as the business has become established and are housed within portacabin type accommodation. The application site is 1.24 hectares and includes the parking and access to the west of the buildings.
- 1.2 This application seeks planning permission for the replacement of the collection of Portacabins (Some that are double stacked), used as offices, with a permanent structure. Buildings A, B and C, as indicated by the shaded building on the existing site plan (extract inserted below) will be taken down. These have a combined area of 460m² and the Portacabins have a combined area of approximately 626m². The circulation space for these areas is mostly external.

Existing Site Plan



- 1.3 The new offices are described within the submission as being intended to allow for future expansion of the company and also to provide purpose built catering facilities for use by staff and visitors. The style of the new offices is contemporary with a glazed upper floor and timber clad lower walls with full height windows to the main elevations. A generous over hanging roof shades the glass walls at first floor level.
- 1.4 It is proposed that the existing packing shed will be over clad with powder coated metal panels, colour dark grey, to both upgrade the appearance and give a contemporary back drop to the new office building. The rear of the new offices will also be clad with similar metal panels. A covered way runs along the rear of the new offices and connects to the workers' entrance and the packing shed. The covered area continues to the exterior of the cafe to provide a sheltered external terrace area.

Existing West Elevation



Proposed West Elevation



- 1.5 The gross area of the proposed accommodation is 1667m² including 223 m² of cafe and kitchen and a link of 21m² connecting to the existing barn. In addition, the proposals will separate lorry and car entrances to the site. A second commercial vehicular access is therefore

proposed which relates to the internal access route to the rear of the packing shed buildings with security cabin. An extract from the proposed plan is inserted below for ease of reference.

Proposed Plan



- 1.6 The proposed buildings consist of an open plan office on the first floor flanked by directors' offices. The ground floor accommodation consists of:- entrance area, reception, meeting and training rooms, archive room and various ancillary rooms and spaces. The main entrance opens into a double height foyer area with curved staircase with roof glazing over. The cafe, with additional office space above is located in an adjoining block which relates to the seasonal workers' accommodation and links to the games room and bar located in the existing L shaped stone barn that lies closet to the highway to the south of the site. This link will also serve as the secured pedestrian entrance to the site for seasonal workers.
- 1.7 The application has been supported by relevant reports including those in relation to ecology, drainage and transportation as well as those expanding upon the business and economic case and these supporting documents can be seen on the website at: https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163158&search=163158
- 1.8 The application has been submitted with alongside three other applications as listed in Section 3 below. Some of the documentation submitted in support of these applications is duplicated, and comments received in response to the applications are often referencing some or all of these developments. Nonetheless, this application must be considered on its own merits.

2. Policies

Herefordshire Local Plan – Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment provision
SS6	-	Environmental Quality and Local Distinctiveness
RA6	-	Rural Economy
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment provision
LD1	-	Landscape and Townscape

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environment and Heritage assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality

2.2 Marden Neighbourhood Development Plan

The Marden NDP is formally made (6th October 2016) and is part of the Development Plan. Its policies have the equivalent status of the Core Strategy.

The relevant policies are considered to be:

- Policy M6 – New local employment opportunities
- Policy M7 – Supporting enhancing and protecting existing local employment
- Policy M10 – Landscape Character
- Policy M11 – Flood Risk and Surface Water Run-off

https://www.herefordshire.gov.uk/directory_record/3086/marden_neighbourhood_development_plan_made_6_october_2016

2.3 National Planning Policy Framework

Introduction

Chapter 1 - Building a strong competitive economy

Chapter 3 – Supporting a prosperous rural economy

Chapter 4 – Promoting Sustainable transport

Chapter 7 – Requiring Good Design

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historic environment

2.4 National Planning Practice Guidance

2.5 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 **174417** - Application for variation of condition 2 (to allow for tunnels to be covered 12 months of the year) of planning permission DCCW2009/0161/F, as varied by planning permissions S123499/F and 150178 – Application Undetermined (consultation period expires 8th Jan)
- 3.2 **163156/F** - The phased clearance of the existing seasonal agricultural workers accommodation site (comprising caravans and demountable buildings [granted planning permission under Ref. DMCW/092985/F, dated 17 March 2010) to provide 69 Houses in Multiple Occupation (Sui generis) for the accommodation of agricultural workers, together with ancillary facilities, a new vehicular access, private internal access roads, on-site parking, off-road footway, amenity open space, landscaping and a sustainable urban drainage system – Application Undetermined.
- 3.3 **163157/O** - Site for residential development (family housing) for up to 75 dwellings (comprising open market and affordable housing together with a new vehicular and pedestrian access, on-plot car parking, supporting infrastructure and facilities, amenity open space, landscaping and a sustainable urban drainage system - Application Undetermined
- 3.4 **163159/O** - Demolition and clearance of the existing public house ('The Volunteer Inn') and erection of new family public house with rooms (UCO Class A3/A4), customer car park and

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

relocated vehicular and pedestrian access - Application on this agenda and recommended for approval subject to conditions.

- 3.5 150178 - Removal of condition 1 of Planning Permission DCCW2009/0161/F. To remove time limit on poly-tunnels – Approved July 2015
- 3.6 143472 – Proposed extension to packhouse – Approved Jan 2015
- 3.7 130274 - Improvements to on-site access road, surface water balancing ponds and associated landscaping – Approved with Conditions
- 3.8 123499 - Variation of condition 2 of planning permission DCCW2009/0161/F requiring polythene to be removed from polytunnels by 31st October each year and not replaced until or after the 1st March in the following year – Approved with conditions March 2013
- 3.9 111237 - Proposed variation of planning condition 3 attached to planning permission DMCW/092985/F dated 17th March 2010 for the change of use of land from agricultural to a site for the accommodation of seasonal agricultural workers in caravans and demountable portal buildings etc. Variation of the specified numbers of caravans and demountable buildings – Approved August 2011
- 3.10 CW092985F – Change of use of land from agriculture to a site for the accommodation of seasonal agricultural workers in caravans/mobile homes stationed continuously on the site. Retention of demountable portable buildings used in connection with and strictly ancillary accommodation used respectively as a dormitory block, staff operations centre, health and fitness centre, staff shop, kitchen units, social units (services) shower and toilet units (retrospective) – Approved with conditions
- 3.11 DCCW2009/0161/F - Application (part retrospective) to erect fixed (non rotating) Spanish polytunnels over arable (soft fruit) crops grown on table tops – Approved May 2009
- 3.12 DCCW2009/0160/F - Change of use of land from agriculture to a site for the accommodation of seasonal agricultural workers in mobile homes and demountable portable buildings stationed continuously on the site and not removed at the end of the agricultural season (retrospective) – Refused May 2009
- 3.13 DCCW2007/2806/F - Continued use of land as a caravan site and retention of accommodation block for seasonal agricultural workers – Refused Nov 2007 (appeal Withdrawn)
- 3.14 DCCW2006/2534/F - Retention of polytunnels in connection with raised-bed strawberry production – Refused and dismissed on appeal (April 2007)
- 3.15 DCCW2006/2749/F - New administration centre staff amenities and enhancements to site traffic handling demolition of existing offices workshop and outbuildings – Withdrawn
- 3.16 DCCW2004/3295/F - New maintenance facility and associated hardstandings – Approved with Conditions
- 3.17 DCCW2004/2770/F – Proposed Packing Store – Approved May 2005 (not built)
- 3.18 DCCW2003/3749/F – Permanent toilet facilities to replace portacabin facilities – Approved with conditions
- 3.19 DCCW2003/1927/F - Staff operations centre – approved August 2003

- 3.20 DCCW2003/0290/F – Accommodation block for Seasonal Agricultural workers – Approved with conditions – April 2003
- 3.21 DCCW2003/0130/F – Siting of caravans for seasonal workers – Approved with Conditions
- 3.22 CW2000/2826/F – Use of land for the siting of caravans - Approved with conditions (and Section 106)
- 3.23 CW1999/2613/F - Use of land for the siting of caravans – Refused - 21 June 2000
- 3.24 SC990121FZ – Proposed new access road
- 3.25 SH971145PF – Covered Rear Yard and dispatch area, Demolition of existing building and erection of new farm office and associated utilities
- 3.26 EN950014ZZ (Enforcement Notice Appeal) – July 1997

The breach of planning control alleged is that “without planning permission, change of use of the land and buildings From use as agricultural to a mixed use of the land and buildings thereon for the commercial storage of potatoes and as a potato processing and distribution plant.

In summary, I have considerable sympathy for local residents, who feel they have been caused nuisance in recent years by lorries associated with the site. However, the evidence is to my mind convincing that the change of use of the site, which the council alleges, took place more than 10 year before the enforcement notice was issued. That being so, the appeal on ground D must succeed.

As the appeal succeed on ground d, the notice will be quashed. The appeals on grounds a and g and the application deems to have been made under Section 177(5) do not therefore need to be considered.

- 3.27 SH951239EZ – Storage of Potatoes and Grain and grading and packing of potatoes (CLEUD) – Refused Dec 1995
- 3.28 SH940736 – Part dismantling existing G P Building and conversion of balance to farm office and weighbridge – Refused
- 3.29 SH940684PF – Extensions and modifications to existing potato storage and grading buildings – Refused Jan 1995
- 3.30 SH920621PF - Proposed extension to existing potato store – Approved with Conditions
- 3.31 SH9111156 – Proposed permanent farm office accommodation - Approved
- 3.32 SH891354PF– Agricultural Storage Buildings
- 3.33 SH890589PF – Erection of an agricultural storage building
- 3.34 SH894710 – Agricultural Storage Building – Approved August 1989
- 3.35 SH870589PF – Erection of an agricultural Storage Building – Approved July 1987
- 3.36 SH870210PF – Erection of an Agricultural Storage Building – Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

We write further to our previous letter dated 07/11/2016 in which we advised that investigations were being undertaken to determine whether the development can be provided with a potable water supply without detriment to our existing customer in the area.

Our assessment has concluded that the water usage of the proposed development is unlikely to increase the demand from the buildings currently occupying the site. We are therefore satisfied the proposed development can be served with an adequate water supply without causing detriment to existing customers.

Notwithstanding the above we request that if you are minded to grant planning consent that the following conditions and advisory notes are included within any subsequent planning consent to control a foul water drainage proposal (see recommendation section below)

Internal Council Consultations

4.2 Public Rights of Way Manager

Public footpath MR22A runs through the site. It has been shown on plans, and would not appear to be obstructed by the development. PROW would therefore have no objection to the proposal. If any surfacing work is planned, the PROW department must be consulted. If construction work is likely to endanger path users, a temporary closure order must be applied for.

4.3 Environmental Health Manager (Noise and nuisance): No objection subject to the imposition of conditions restricting hours of construction and the submission, prior to commencement, of a demolition and construction environmental management plan.

From a noise and nuisance perspective our department has no objections to this development.

4.4 Environmental Health Manager (Contaminated Land): No objection subject to conditions

Our records indicate an infilled pond within the development site. This may be considered a potentially contaminative use. As such I would recommend a precautionary condition be appended to any approval to consider risk from this and any other potential sources on site. This is required to demonstrate that the site is both safe and suitable for use as required by the NPPF.

4.5 The Service Manager Built and Natural Environment (Ecology) comments as follows:

It is noted that there are other contiguous and linked multiple applications with this one (163156,157,158). All these utilise the same ecological reports by DLA Ltd dated March 2016. This identifies very few ecological constraints and recognises that a Construction Environmental Management Plan (CEMP) and detailed mitigation and Enhancement Plan is required for all demolition and construction works and application sites. The CEMP is also required in order to screen and mitigate the potential risks and effects of the construction phase on the nearby River Lugg SAC/SSSI as required under Habitats Regulations. To ensure this I would suggest the inclusion of relevant conditions should permission(s) be granted (see recommendation section).

In addition to Habitat Regulations Assessment Screening for the construction phase the other direct potential 'likely significant effects' stem from any direct run of outfall from foul water

management systems and additional and potentially polluted surface water. If for any reason any of the applications can not connect to the mains sewer network then full details of the proposed foul water management system with capacities and details of how the final outflow will be managed via a soakaway/spreader system must be supplied for approval.

As per current SuDS protocols the development should ensure that there is no increase in surface water run-off volume or flows above existing levels. This should be ensured through comments and conditions from colleagues who manage flood and water flows.

Provided all these elements are covered as above I am happy to conclude through a simple Habitats Regulation Assessment screening that the proposed works and developments will have NO likely significant effects on the River Lugg/River Wye SAC-SSSI.

4.6 Transportation Manager has made the following comments

Highway capacity:-

Adequacy of highway existing network in terms of capacity:- existing Network is coping, though there are instances with HGV traffic from the S&A operation have caused incidents at pinch points north of site

Adequacy of highway existing network in terms of design:-

We have a concern over increased production on the site and intensification of the operation as per the company's growth aspirations and vehicle movements observed in the locality. This will lead to considerably more HGV and associated commercial traffic to and from the site as well as office journeys with all the proposed facilities. Any Increased capacity, change of products / usage of the packing plant would significantly put a strain on the network and has to be considered. Pinch points going north of the site would benefit from agreed routes that do not allow HGV vehicles to come from or leave in a northerly direction. Intensification may lead to issues within Marden village itself.

Accessibility by other modes of transport:-

Bus (nearest bus stop(s), adequacy of walk route to bus stop(s) service, frequency of service) – can a resident gain access to the city and/or market towns to commute to work via public transport? unclear where existing bus stop is being relocated

Train (nearest railway station, adequacy of walk route to railway service, frequency of service) midway between Leominster (8.7 miles) and Hereford (5.8 miles) stations

Walking:-informal footpath to road edge and access to Public house and car park off the Highway

Cycling:- in Highway

Access:-

Safety

Available Accident Data

One accident recorded as slight, south of the proposed application (dated 2012)

Speed limit:- 30 MPH office car park access / 60 Mph National Commercial access to packing plant.

85th percentile speed supported by a 7 day speed survey. Please note, applicant has supplied a 2 hr speed survey.

Applicant supplied information referred to in the applicants "Site access and parking appraisal (July 2016)" relating to the existing access just within the 30mph signed limit.

2.8 During the site visit Tuesday 24 May 2016, a speed survey was conducted at the proposed main site access, approximately 60 metres north of the existing site access, and therefore approximately 10 metres within the section of the C1120 subject to the national speed limit

2.10 Approaching vehicle speeds were recorded approximately 60 metres to the north of the proposed site access and approximately 50 metres to the south of the proposed site access. The full results of this survey are included at Appendix B, while a summary is provided below:

Mean	85th %ile	Wet 85th %ile	
• northbound	34.4mph	41.1mph	38.6mph
• southbound	34.6mph	39.3mph	36.8mph

*Based on predominantly dry weather conditions during the survey, wet weather speeds have been calculated as per TA22/81

For the purposes of the Office access being a tweak of the existing access and no recorded accidents at the location, despite its proximity to the national speed limit, we would be happy with the applicants proposed visibility splays of 98 and 91 metres, based on the figures supplied by the applicant above.

This would be on condition of site lines maintained and no obstructions within the highway boundary and land owned by the applicant.

For the purposes of the Commercial vehicle access to the site the applicants survey referred to under 2.10 in the "Site access and parking appraisal " does not sit comfortably with my own observations of vehicles on site and with this I can only base the visibility required on the signed National Speed limit of 60mph with a visibility distance of 154 metres in both directions, as detailed in the required visibility tables on next page. This cannot currently be achieved.

Existing visibility splays in both directions:- not given for existing shared entrance.
Required visibility splays in both directions (quote both Herefordshire Highways Design Guide 2006 based on DMRB and Mfs & Mfs2):- All set back 2.4m.

Office Access ONLY

Northbound	Southbound		
Mfs		62 metres	56 metres
Mfs2		77 metres	72 metres
DMRB		97 metres	89 metres

Proposed visibility splays in both directions from office Access:-

North	South		
		98 metres	91 metres

The office access proposed visibility is acceptable.

Commercial vehicle Access ONLY (within 60mph limit).

Northbound / Southbound	
Mfs	124 metres
Mfs2	154 metres

DMRB

201 metres

Proposed visibility splays in both directions from Commercial vehicle Access:-

North	South		
		98 metres	91 metres

With the information (speed surveys) supplied to me and the using the default prescribed distances required applicable to the National speed limit, I cannot support the access as it stands. Visibility splays of 154 metres cannot be achieved on the current application.

Design

Is the design of the access acceptable (width, radii etc)

The Office access location is acceptable other than the alignment coming from the north turning left into the proposed access, a fully radiused turning would be required doing away with the staggered arrangement currently on site and proposed to remain.

Commercial vehicle access (within 60mph) Alignment is agreeable if the 156 metre visibility can be achieved, as detailed above, not 98 metres as proposed. The road is at its narrowest to the north of the access with considerable pinch points that historically have caused issues on the network. heavy goods vehicles coming from the north to the site and Heavy goods vehicles leaving the site and heading north should not be permitted, particularly in line with the applicants continual growth and expansion plans.

Vehicle Parking Provision:-

Existing:- 32 cars and additional HGV parking to the rear of the sheds.

Required (Herefordshire Highways Design Guide for New Developments 2006):-

Proposed:- 46 car parking spaces to the front and 7 for operational staff at the rear. Design and access states:

"Disabled car parking spaces are provided in close proximity to the main entrance" but doesn't confirm location on plans or number of plans. This needs confirmation.

Any parking / waiting restrictions including residents parking schemes, loading / unloading, impact on the existing on street parking provision?

Substantial increase in vehicles using the carpark planned as well as substantial increase in HGV traffic based upon S&A growth plans within the Companies forward planning aspirations.

Cycle Parking Provision:-

Existing:- according to the Applicants design and access statement "There is existing provision on site for the secure storage of bicycles.

Section 106 Obligations

Section 106 financial contributions (include spreadsheet of calculation) and identification of specific projects:- increase in floor space of production area would require a formal 106 commitment.

106 contributions have been calculated as £51,798 based on an increase of floor area as supplied in the "PROPOSED OFFICES AT BROOK FARM, MARDEN, HEREFORDSHIRE SITE ACCESS AND PARKING APPRAISAL (JULY 2016)" below:

Section 2.3 Three existing operational buildings currently in use as offices are included within

the redevelopment site, and these have a total floor area of 460sqm. Additionally, various Portacabins and other temporary buildings are located throughout Brook Farm, and currently have a combined total area of 626sqm. Parking currently occurs in the vicinity of these temporary buildings in an informal manner.

Highways comment: Therefore the current floor space is 1046sqm

Section 3.2:

Following clearance of the office site, a new building with a total floor area of 1667sqm would be erected as shown on the latest site plans are included at Appendix A. This would comprise:

- a total of 1147sqm of offices, meeting rooms, reception areas and circulation space (split between two floors);
- a 223sqm staff café / canteen (including associated kitchen); and,
- a total of 297sqm of ancillary storage and welfare facilities (including an archive room, WCs and cloakrooms).

Whilst the applicant states in the afore mentioned "access and parking appraisal..." that the:

Trip Generation

Section 4.1

The proposed office building will consolidate the current office space at the site, provide improved facilities, and will not result in any change to the number of staff employed. Therefore, there should be no change to the number of trips generated by the proposed office development. The actual increase in the floor area dedicated to office uses will be only 61sqm, which is less than the estimated circulation space within the new building (1147sqm minus 1086sqm).

proposed sqm	-	existing sqm
1667 sqm	-	1086 sqm = 581sqm

The 106 payment would be £51,798 based on the information given and to allow for works to incorporate the planned expansion of the operation.

A traffic calming scheme of traffic heading north and coming from north of the application and through the village would benefit the village and the applicant, with possible white lining, road width widening (on frontage of applicants site), additional signage, gateway to village junction improvements and HGV restrictions.

Existing vehicles in the middle of the road.(Photographs Taken on site visit)

COMMENTS:-

Recommend refusal on the following grounds (quoting relevant paras. From NPPF and Core Strategy):-

On highways safety ground. The visibility from the commercial access cannot be achieved within its current constraints.

Highways have concern over continued expansion of the operation at this location with the network unable to support a substantial increase in HGV and other vehicle trips associated with this application and the Companies Growth plans as well as routes in and out with localised flooding of the River Lugg.

4.7 Economic Development Manager Comment

Background

The application site is located approximately one kilometre north of the village of Marden, which in turn is some one mile east of the A49 and six miles north of Hereford.

The application relates to the demolition and clearance of existing operational buildings and erection of new a headquarters office building (class b1), including ancillary staff canteen/mess facilities, dedicated staff and visitor car park and modification to form two separate vehicular accesses (to the new offices and to the existing operational farmstead/pack house).

Development

The proposal seeks to replace the collection of Portacabins, currently used for a B1 office use, with a permanent structure again of a B1 office use. The proposed buildings consist of an open plan office on the first floor flanked by directors' offices whilst the ground floor accommodation consists of entrance area, reception, meeting and training rooms, archive room and various ancillary rooms and spaces.

The existing buildings have a current combined area of 460m² and the Portacabins have a combined area of approximately 626m², giving a total area of 1086m², however this excludes circulation space which is mostly external in the current design.

The gross area of the proposed office accommodation is 1423m², with an additional 223 m² of cafe and kitchen and a link of 21m² connecting to adjoining buildings.

It is my view that the proposal seeks to replace a current B1 use located in temporary buildings with a modern, purpose built B1 office development that will offer S&A Davies the ability to accommodate growth in existing office based staff.

Economic Benefit

S&A Davies is one of the largest employers within the county, the information accompanying the submission states that the company employs 608 full time equivalent posts at its operations in Marden and Brierley. Direct employment by S&A Davies generated £14.62m of GVA in Herefordshire in 2015, whilst turnover increased by 29% from 2014 to 2015.

The employees of S&A Davies spent £2.42m within the Herefordshire economy in 2015, this figure excludes any spending on accommodation or transport. Of this figure £0.5m was spent within Marden or Brierley villages.

The applicant makes the case for including indirect and induced benefits to the economy in terms of jobs, GVA and local spend. It is difficult to substantiate these figures without being aware of the methods of calculation.

The applicant makes a significant contribution to the Herefordshire economy and is looking to make a sizeable investment in their business accommodation. The applicant states that this investment will facilitate an additional 6 office based jobs over the next few years. However it is also suggested that the company has the potential to employ 739 gross direct, indirect and induced FTE jobs by 2020, this will generate £35.5m of GVA in Herefordshire. It is difficult to identify whether this figure is an increase on current employment as the supporting Economic Value report states differing figures for the current equivalent job numbers. Nonetheless the applicant clearly is a significant employer within Herefordshire whose employees generate a significant amount of local and county wide spend.

Planning Policy

The proposal has been considered against both the Marden Neighbourhood Development Plan and the Herefordshire Core Strategy.

Objective 6 of the Neighbourhood Development Plan states:-

“To welcome employment opportunities including working from home while ensuring current, new or expanded businesses within the parish are sympathetic to the environment or residential amenity.”

Whilst Policy E1 of the Herefordshire Core Strategy states that development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged where:

- the proposal is appropriate in terms of its connectivity, scale, design and size;
- the proposal makes better use of previously developed land or buildings;
- the proposal is an appropriate extension to strengthen or diversify an existing business operation;
- the proposal provides for opportunities for new office development in appropriate locations.

Additionally Policy M8 – Supporting, enhancing and protecting existing local employment – also applies. It states that existing sources of local employment will be protected from change from business to residential use. Development that would lead to expansion or improvement of existing business premises will be considered when it:

- is suitable in terms of size, layout, access, parking, design, and landscaping;
- does not harm the amenity of nearby occupiers;
- does not harm the character, appearance or environment of the site and its surroundings;
- has adequate access, or potential access, by a choice of transport modes;
- retains and enhances any built and natural features/areas that contribute to the amenity or
- biodiversity of the area;
- includes mechanisms to improve environmental performance to that of the current best practice standards; and
- ensures that any likely significant effect on the River Wye Special Area of Conservation (SAC)
- is avoided or adequately mitigated;

It is my view that elements of all three above policies require some subjective analysis of the proposals when considering whether there is an alignment between the proposal and the policy.

Consequently I believe that the proposals are of an improved design and layout to the existing buildings in that the new building will present a modern and purpose built office facility that takes regard to the main entrance, road frontage, and other buildings on site.

The new building is two storeys in height which is lower than existing buildings on site that will be retained, is set back from the road and does not significantly interact with any neighbouring residential premises. The proposals will present an improved layout and design of building and landscaping improving the appearance and environment of the site.

It is my opinion that the proposals are in conformity with the design and employment elements of the above policies.

Applicant Justification

The applicant states that the most important and relevant Imperative to the application is to: “Underpin the strength of the UK business”. Specifically this is stated to be done through the “sourcing of a suitably skilled and experienced workforce to drive the growth of the business, by means of, again amongst other things, the provision of a new headquarters/ administrative office accommodation (incorporating modern IT and communications equipment) and a staff canteen, providing an attractive, modern working environment.”

Additionally the applicant states their current office accommodation has evolved and accumulated incrementally over time whilst consisting mainly of the accretion of a number of portable modular buildings, linked by improvised covered ways. These buildings are a legacy of the business’ agricultural origins and they are:

- inefficient and inconvenient to use;
- too small and inflexible – being ill-adapted to a modern business activities, particularly information and communications technology;
- insecure;
- energy-inefficient – being too cold in winter and too hot in summer; and,
- convey a poor corporate image for what is now a multi-million pound international business.

Taking these above points there is little merit in resisting the principle of an application which seeks to improve the working conditions of the company workforce. Additionally I can appreciate the requirement of the company to improve the quality of their workforce through the offering of a modern, attractive working environment and presentation of such an image.

Conclusion

From an economic development perspective this application improves the design, layout, operations and working environment of S&A Davies’ office workers and office environment. There is no change of use as the predominant use remains B1. There is a modest increase in the building size but this, in part, is to accommodate company job growth.

The applicable economic planning policy is broadly supportive of the proposal which I have interpreted as being the improvement of existing accommodation rather than the provision of a new employment allocation.

Whilst the job creation figures are relatively modest, so is the net increase in floorspace and a case has been made for the contributions the company makes to the Herefordshire GVA and financial spend within the local economy.

It is for these reasons that I believe the application should be supported.

5. Representations

5.1 Marden Parish Council

Marden Parish Council submitted a response that relates to the four applications (listed above). The comments relating to this particular application are inserted below. The full response can be read online at:

<https://myaccount.herefordshire.gov.uk/documents?id=26a3f998-c1e6-11e6-8212-0050569f00ad>

Comments received December 2016

Marden Parish Council understands the wish for the business to present a more modern street presence to visitors and staff, however, the proposed office accommodation is over 50% larger than the existing office accommodation. However, the Parish Council would support a much smaller proposal to enable the business to modernise its office facilities.

The provision of office accommodation of this size is more akin to a business park/industrial estate than a rural agricultural enterprise. With regard to document archive and storage facilities, there is no requirement/need for this to be accommodated on-site. In fact good practice is for archive material to be stored off-site for better security. The Parish Council questions the need for the whole office facilities to be located at the site and not in a more sustainable location. The design of the proposed office accommodation is not appropriate for a rural location.

The provision of an office block of the size proposed in a rural location is contrary to Policy M7 of the Marden Neighbourhood Development Plan which seeks to ensure development is of a size and quality that is suitable to the location, Policy E1 of the Herefordshire Core Strategy which seeks to locate employment development in sustainable locations and Policy RA6 which supports the small-scale extension of existing businesses.

The proposed relocation of the vehicular entrances will have a detrimental effect on traffic safety. In reality, the C1120 is one of the narrowest roads in Marden and the narrowest part of the road is located close to the proposed site. The lane beyond this development is very narrow and has several pinch points. It is critical to the safe flow of traffic that the 30mph speed limit sign is moved north as part of the application.

5.5.1 Comments received October 2017

The PC notes the applicant's comment that Herefordshire Council is 'supportive of the application' (Letter, p.6) but with no justification. However, the applicant has still not justified the increase in building size to the satisfaction of the PC, particularly as the Technical Note 2 newly provided by Bancroft Consulting states that 'no additional traffic would be generated by the proposals' (p. 11). The applicant states in its Design and Access Statement (Transport and Conclusion paragraphs) that the new building will allow for future expansion, thereby negating Bancroft's assertion that no additional traffic will be generated.

The provision of office accommodation of this size is more akin to a business park/industrial estate. With regard to document archive and storage facilities, there is no requirement/need for this to be accommodated on-site. The Parish Council questions the need for the whole office facilities to be located at the site and not in a more sustainable location. The design of the proposed office accommodation is not appropriate for a rural location. The provision of an office block of the size proposed in a rural location is contrary to Policy M7 of the Marden Neighbourhood Development Plan which seeks to ensure development is of a size and quality that is suitable to the location, and Policy E1 of the Herefordshire Core Strategy which seeks to locate employment development in sustainable locations and Policy RA6 which supports the small-scale extension of existing businesses.

The proposed relocation of the vehicular entrances will have a detrimental effect on traffic safety. In reality, the C1120 is one of the narrowest roads in Marden and the narrowest part of the road is located close to the proposed site. The lane beyond this development is very narrow and has several pinch points. It is critical to the safe flow of traffic that the 30mph speed limit sign is moved north as part of the application.

The PC considers that any discussion of Heads of Terms (S106 agreement) should include the PC, as Marden has a made NDP.

5.2 17 Letters of representation have been received (including CPRE) the content of which can be summarised as follows:

- No justification given that would enable S&A to expand and focus their activity in Marden.
- No recognition that three out of the four routes in into and out of Marden are along single carriage roads that are liable to flood, two over narrow, listed bridges and one through village itself (past school)
- Expansion seems to be driven by the pack house activities not the locally grown fruit aspects.
- S&A are of considerable value to the local economy, however any expansion should be part of a strategic business plan that either sees total relocation of the pack house activities to an appropriate site off the A49 or Kent (taking into account travelling)
- It is inappropriate to expand the pack house in its current location.
- Ideal opportunity to relocate to somewhere else in Herefordshire
- Two storey premises will lead to intensification
- Concern about siting of the access at a point past the 30mph. Unconvinced about the safety of traffic on the C1120. Restricted road widths at turning points.
- Existing problems with HGV vehicles (not just S&A) having to pass each other, mount the kerbs etc
- Survey work that informed applications is inadequate as not based on, or take account of the varied type of vehicles.
- Too large for the village
- Business has got too big for where it is
- Clarification on future expansion plans should be provided?
- Potential for more trucks and subsequent impact and nuisance to the residents
- Environmental effects and pollution
- Produce is being packed here and brought in from abroad
- Better looking building but object to height and size
- Lies outside the Marden village settlement (NDP) and therefore in open countryside.
- CPRE: In our letter of 25.01.17 we conceded that the proposed HQ/Office building would be an improvement on the current demountable buildings and cabins but we had reservations as to its scale, suitability and size in this rural setting. A greater concern was the potential danger of the close proximity of the two proposed entry points, one for HGVs and the other for smaller vehicles. These will be very near one of the narrowest parts of this narrow road with several pinch points beyond. We recommend that, as part of the application, the 30 mph speed limit be moved northwards on the C1120.

5.3 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163158&search=163158

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

6.1 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the Development Plan for the area is the Herefordshire Local Plan - Core Strategy (CS). A range of CS policies, referred to above (section 2) are relevant. The strategic Policy SS1 sets out a presumption in favour of sustainable development, reflective of the positive presumption enshrined in the NPPF. SS1 confirms that proposals that accord with the

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

policies of the CS (and, where relevant other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Economic Role

- 6.3 Core Strategy Policies E1 and RA6 of the Herefordshire Local Plan, Core Strategy, seek to support employment generating proposals subject to the consideration of their impacts to ensure that they remain of a scale which would be commensurate with the location and setting and do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, duct, lighting and smell; do not generate traffic movements that cannot be safely accommodated within the local road network and do not undermine water quality targets. These requirements are carried through to the NDP policies, in particular policies M6 and M7.
- 6.4 The proposed building is one that is of a significant size but replaces buildings that are described as;
- inefficient and inconvenient to use;
 - too small and inflexible – being ill-adapted to a modern business activities, particularly information and communications technology;
 - insecure;
 - energy-inefficient – being too cold in winter and too hot in summer; &
 - convey a poor corporate image for what is now a multi-million pound international business.
- 6.5 Local residents and the Parish Council raise concern about the increase in floor area of the office area and facilities but it is argued that the increase is not to accommodate a significant amount of growth, merely to provide better, more adequate facilities for existing office workers and the business that is well established on the site. It should also be acknowledged that, at present, circulation space for the offices is often outside and as such does not have a tangible 'floor space.' Acknowledging that it is also intended to allow additional office based employees, this predicted growth is modest and not of a scale that could be considered significant. I would refer to the detailed comments of the Economic Development Officer at 4.7 above who has also carefully considered the detailed information and justification for the proposed replacement building.
- 6.6 The proposed building has been designed to replace the existing buildings and improve and make a more cohesive development by recladding the operational buildings to the rear. Whilst the site is prominent, the new additions and alterations will read as part of the wider large scale agricultural building complex.
- 6.7 Concern has also been raised about the potential intensification of operation of the pack house as a result of this application. This application does not increase the size of the pack house or the growing enterprise and as such it would be difficult to attribute additional HGV movements to this proposed development. The offices do however support the operational side of the business, the extensive planning history, detailed above demonstrates how the business has evolved over time, making the change from the growing, grading, storage and distribution of potatoes and grain to soft fruit in the late 1990's / early 2000's. The business is one that is well established and is planning for its future on the site,
- 6.8 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This policy also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including provision for recycling and enabling renewable energy and energy

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conservation infrastructure. These requirements are mirrored within policies M6 and M7 of the NDP.

- 6.9 Officers are satisfied that the proposed development would comply with the requirements of these policies and that the proposed buildings, with conditions relating to landscaping and materials in place, would successfully integrate into the built and natural environment whilst also playing an important economic role in the county.

Heritage Assets

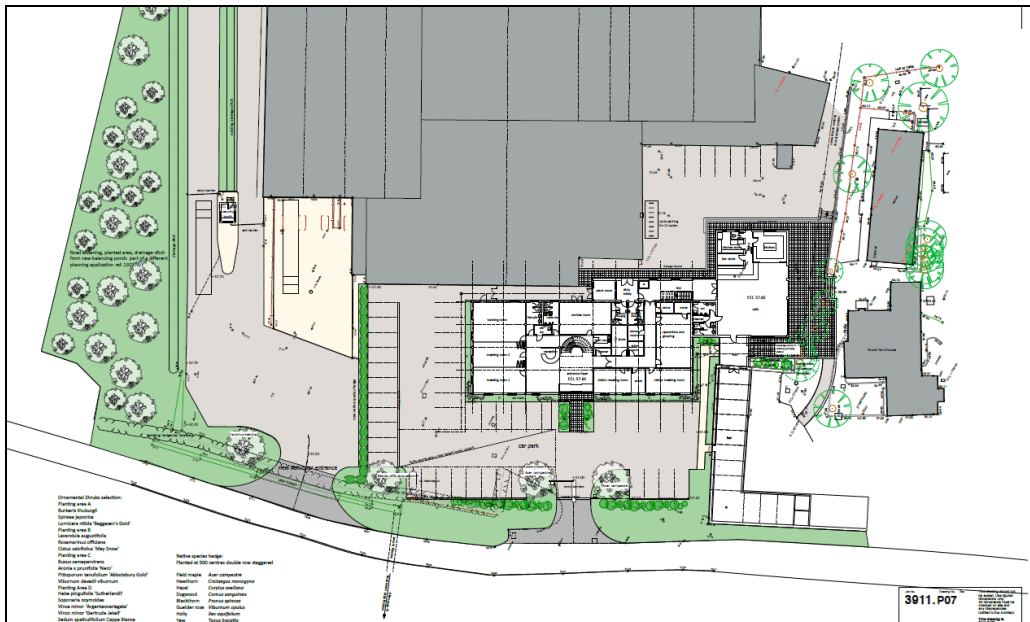
- 6.10 The proposed development site does not lie within a Conservation Area but there is a Grade II listed building within the complex of buildings – Brook Farmhouse. Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

- 6.11 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.
- 6.12 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.13 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 129 to 134 offer particular clarity about the assessment to be made of the significance of heritage assets. Paragraph 131 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.14 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF.
- 6.15 Brook House is already heavily compromised by the development that has occurred around the site particularly with the portacabins and is in a poor state of repair. Recent applications have sought to repair and alter the building. The removal of these structures offers the opportunity to improve the setting of the listed building that lies in relatively close proximity utilising a more cohesive approach with appropriately designed building and associated hard and soft landscaping. The two storey elevation that fronts the listed building is simple in form and is a significant improvement on the double stacked portacabin style structures.



In addition a detailed landscape scheme has accompanied the application (inserted below) and demonstrates this relationship and ways in which this area will be treated. Officers would consider that the proposed development would not, when taken in context, have an adverse impact on the setting of the listed building and would accord with the requirements of policy LD4 of the Core Strategy, NDP policies and guidance contained within the NPPF.



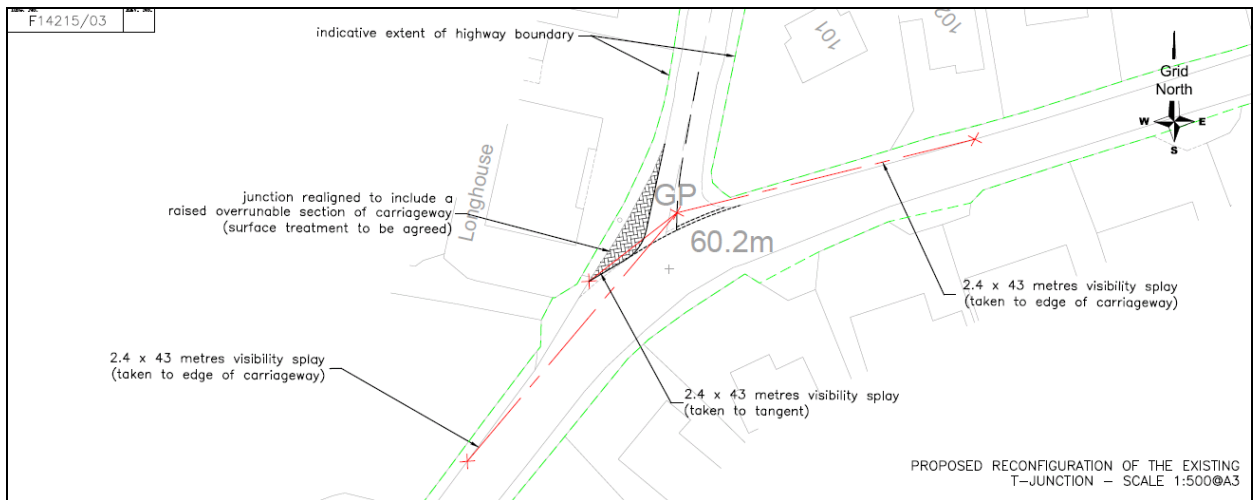
Transportation and Highway Safety

- 6.16 CS policy MT1 of the Herefordshire Local Plan – Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that developments are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space. This is reinforced within the NPD policies M6 and M7.
- 6.17 As detailed above, the proposals introduce a change to the way in which the site is accessed allowing HGV and operational access via a new access to the north. This proposed access has caused some concern to local residents and the Council’s Transportation Manager who queried the speed date and sought improvement to the visibility splays. A Technical Note was then commissioned by the applicant that made the following comments:

“Herefordshire Council considered that the Survey 2 data would not be suitable to calculate visibility splays at the S&A HGV access further north, and requested that 2.4m by 154m visibility

splays were shown in both directions. Whilst this is considered excessive, and it is highly unlikely that vehicles would be travelling at speeds of circa 60mph, for completeness this has been checked and **Drawing Number F16101/01** has been revised to **Revision C** to show that such splays would be achievable within the site boundary or public highway land.”

- 6.18 Local residents and the Parish Council have continued to raise concern about the impacts of the development on the local road network and more explicitly the HGV movements through the village. The proposal includes, within the Transport Statement and technical Note, improvements to the junction with Paradise Green and Walkers Green (inserted below) and slight widening of the highway to accommodate the overruns between the Volunteer Inn and application site.



The technical note also responds to this concern, and reinforces comments above as follows:

“The purpose of the development is to consolidate several separate buildings currently at the S&A offices site into one single building, and to provide new, improved facilities with the primary objective of creating a better image for the firm. As well as an increase in office space of just 61sqm, this also includes improved catering facilities and new archive / storage facilities, which in themselves would clearly not generate any new staff. There would also be a proportion of circulation space which would not have been included in the calculation of existing floor area, given that the buildings are currently separate and staff must walk outside to travel between them. Overall, the plans do not allow for any significant increase in staff over and above what might typically be expected for any company which plans to continue to profit and organically grow. It is acknowledged by the Applicant that any expansion plans as such should be subject to a planning application in their own right, to appropriately assess any additional traffic impacts (amongst other factors).”

In this regard, given that no new or increased operations will result from the development of the site, no additional HGV traffic would be generated. Therefore, HC’s concerns regarding increased HGV traffic on the C1120 to the north of the site are unfounded. HGV traffic will remain as existing, and regardless it should also be noted that at present delivery / distribution HGVs are routed to the south of the site, given that there is no operational need to travel to the north. This also is reinforced by black ‘lorry route’ signage through the village.

Notwithstanding the above, it is recognised that additional HGV traffic would travel along the section of the C1120 between the existing S&A offices access and the proposed new HGV access. Whilst it is proposed to formally kerb the carriageway on this stretch, it is clear that at present the verges adjacent to the C1120 allow for large vehicles passing from time to time. This informal verge arrangement could therefore be retained to continue to allow passing when the new HGV access is operational, or alternatively there would be sufficient width to provide areas of minimal carriageway widening to act as passing places (but not sufficient width to act as a

layby). As above, given that no additional HGV traffic will be generated overall, this is only considered to be necessary on the section of the C1120 between the office and HGV accesses.”

- 6.19 The Technical Note addresses the outstanding matters raised by the Transportation Manager by providing clarity on the increase in floor space and achievable visibility splays. Officers are now satisfied that the proposed accesses are acceptable and would accord with the requirements of policy MT1 of the CS and policies M6 and M7 of the Marden Neighbourhood Development Plan. Conditions are recommended to ensure that the parking and accesses are implemented and proposed and to ensure that the off site works to address road width on the approach to the site are also undertaken.

Ecology

- 6.20 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. The advice in the NPPF reinforces this. The Council's Ecologist has confirmed that the information is acceptable and has recommended conditions be imposed. In this way the requirements of LD2 and the NPPF are met.

Drainage

- 6.21 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Welsh Water, as the statutory undertaker, have been consulted and, subject to a condition (as below) they raise no objection and officers conclude that the proposals comply with the requirements of policy SD3 and SD4 of the Core Strategy. In addition to this, the Council's Ecologist confirms that, subject to conditions, site drainage would not adversely affect the River Lugg SAC and as such this would accord with the requirements of the aforementioned Core Strategy policies as well as Marden NDP policies M6, M7 and M11.

Section 106

- 6.22 The comments of the PC and transportation manager about requirements for Section 106 contributions are noted but officers would advise that the increase in floor area falls below the threshold for contributions. The highway works to improve the section of road between the site and village will be secured by condition rather than financial contribution as they are works within the highway.

Conclusions

- 6.23 Both Core Strategy policy SS1 and paragraph 14 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The site's location is well located to the main settlement of Marden that is well served by public transport offering a genuine opportunity for alternative means of travel to its employees and customers. Policies are generally supportive and encouraging of the expansion of existing business proposals where the scale and size are acceptable and where they do not adversely affect the built and natural environment. Officers consider that this proposal is one that is appropriate to its location and that will ensure that the office accommodation is fit for purpose and enabling of modest growth in administrative based roles in the future.
- 6.24 Concerns raised in respect of the potential increase in traffic movements have been carefully considered during the course of the application and explored above. Alterations to the proposed plans and clarification on the increase in staffing address concerns raised and officers are satisfied that the local road network can absorb the minimal additional traffic generated from the development. Conditions are recommended to ensure compliance with the

requirements of policy MT1 of the Core Strategy, NDP policies and with the guidance contained within the National Planning Policy Framework. It is noted that this states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- 6.25 Matters of impact upon heritage assets, biodiversity, landscape character as key environmental roles have been taken into account and officers have concluded that they are satisfied that the submitted information demonstrated that, with careful consideration at design stages, a development of this size and scale can be accommodated on the site in accordance with the requirements of policies E4, RA6 SD1, LD1, LD2 and LD4 of the Core Strategy as well as the relevant Neighbourhood Development Plan Policies and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits.
- 6.26 Therefore, in having regard to the three indivisible dimensions of sustainable development as set out in the Core Strategy and NPPF, officers conclude that the scheme, when considered as a whole, is representative of sustainable development and that the presumption in favour of approval is therefore engaged. The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role of sustainable development.

RECOMMENDATION

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. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. F06 Restriction on Use**
- 5. F14 Removal of permitted development rights**
- 6. G10 Landscaping scheme**
- 7. G11 Landscaping scheme - implementation**
- 8. G14 Landscape management plan**
- 9. CNS Drainage**

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and 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.

10. CNS Contaminated Land

No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) 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), a site 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.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

11. CNS – Contaminated Land

The Remediation Scheme, as approved pursuant to condition no. () 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 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

12. 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 and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

13. CNS Ecology

Prior to any materials or plant being brought on to site or any construction work commencing a detailed Construction Ecological Management Plan with appropriate risk assessments, mitigation and avoidance measures should be submitted for approval by the planning authority. This plan shall be implemented as approved

unless otherwise agreed in writing by the planning authority.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. NERC Act 2006.

14. CNS Nature Conservation – Enhancement

Prior to commencement of the development, a habitat enhancement scheme integrated with the detailed landscape scheme covering the site should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

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 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

15. H03 – Visibility Splays and visibility over frontage

16. H16 Parking unloading and access

17. H17 Junction improvements / off site works

18. H27 parking for site operatives

19. H29 Cycle parking

20. H6 Restrictions on hours of working during construction

21. CE7 Water Consumption

22. CC2 External Lighting

INFORMATIVES:

1. INS - Positive and Proactive

2. Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately

owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

3. Technical notes about the contaminated land conditions

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2012.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

4. With reference to condition X above (CEMP)

This plan should be detailed and cover all aspects of construction including delivery of materials, vehicle movements, air (dust and particulates) and water contamination (including accidental spillages and additional water usage and runoff). Further/updated Ecological surveys may be required in order to fully understand the local ecology and appropriately reference the SSSI/SAC designation, protected species and wildlife within the CMP. Lighting, Tree and hedgerow protection should also be considered and referenced.

5. With reference to Condition X above (Biodiversity enhancement)

The enhancement plan should include details and locations of any proposed Biodiversity/Habitat enhancements as referred to in NPPF and HC Core Strategy. As proposals for bat mitigation and enhancement are managed through the required EPS Licence at a minimum we would be looking for additional proposals to enhance bird nesting to be incorporated into the new buildings or nearby retained features as well as consideration for amphibian/reptile refugia, hedgehog houses and invertebrate/pollinator homes within the landscaping/boundary features. 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.

6. HN07 Section 278 agreement

7. HN04 Private apparatus within highway

8. HN01 Mud on Highway

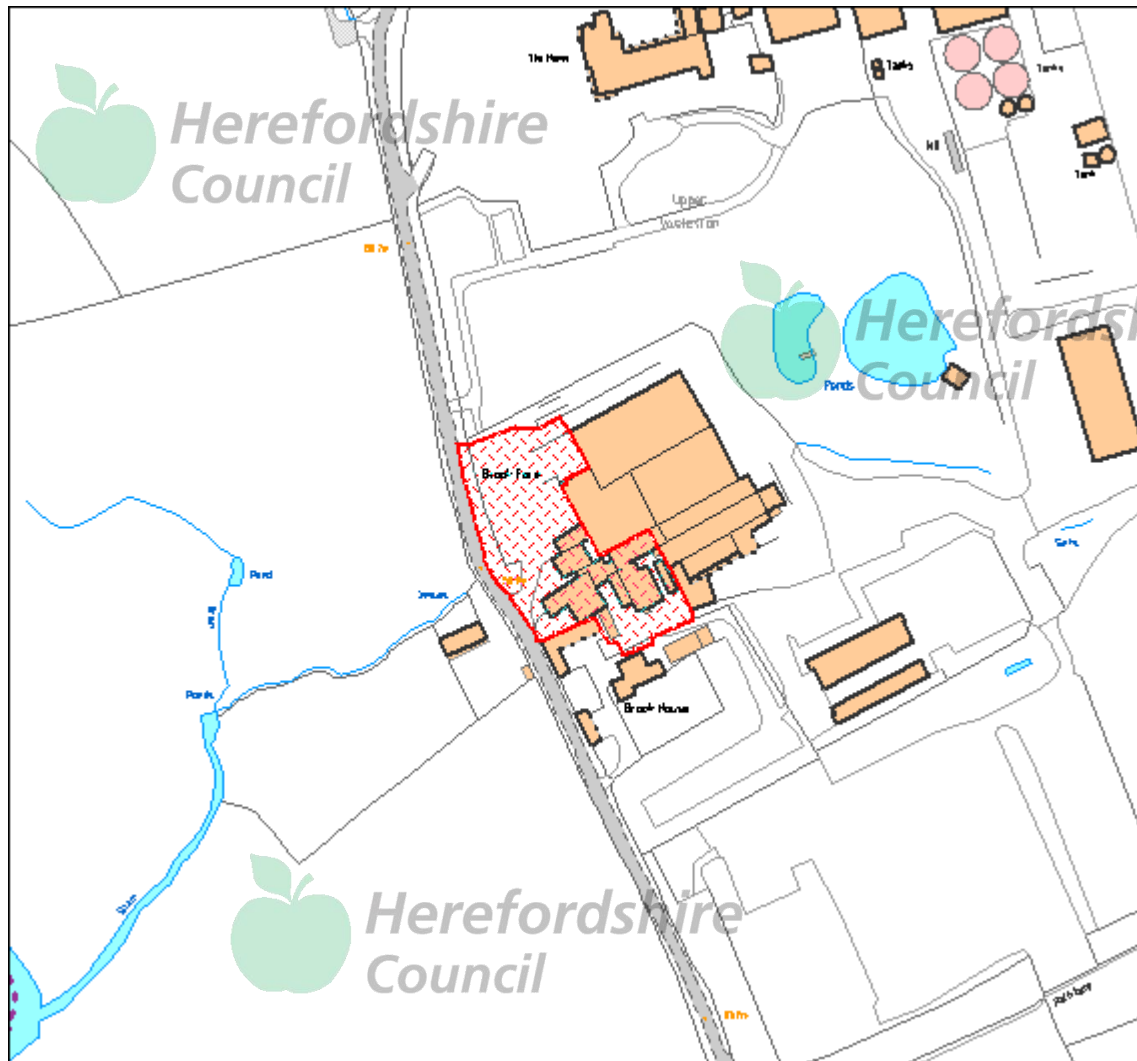
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 163158

SITE ADDRESS : LAND AT BROOK FARM, MARDEN, HEREFORDSHIRE, HR1 3ET

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