

Supplement to the agenda for

Planning and regulatory committee

Thursday 27 September 2018

2.30 pm

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

Schedule of Updates

Public Speakers

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PLANNING COMMITTEE

Date: 27 September 2018

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

181583 - PROPOSED NEW HEALTH CENTRE (USE CLASS D1) INCLUDING ANCILLARY PHARMACY (USE CLASS A1), ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS AT LAND FRONTING STATION APPROACH (CITY LINK ROAD), HEREFORD

For: Mr Smaylen per Mr Abz Randeria, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX

ADDITIONAL REPRESENTATIONS

Welsh Water (response to amended plans received 25th Sept 2018)

We have reviewed the amended/additional information submitted as part of this application with particular focus on drawing number HMC-ONE-XXX-ZZZ-DR-S-0050 Revision P04) which shows the revised private drainage layout. We understand also that the highway water will drain to an existing highway network which will reduce the total volume of water draining to the public combined sewer.

It is unclear where the proposed site will connect into the existing public sewer, however we assume this to be the connection point identified in the Sewer Location Survey which avoids the need to connect directly onto the 1200mm public combined sewer. If this is not the case and a direct connection is required then we request that we be re-consulted.

The proposed surface water proposal is acceptable and therefore if you are minded to grant planning permission we request that the following **Conditions and Advisory Notes** are included within any subsequent consent.

Conditions

Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 20 l/s. Thereafter no land or highway water shall connect directly or indirectly to the public sewerage network.

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

Advisory Notes

No direct connection shall be made to the 1200mm public combined sewer

Transportation Manager (response to additional information submitted in response to previous transportation comments):

1. Whilst the proposed operation of the barrier-controlled access (I would say) is acceptable, I don't think the patient drop-off / pick-up arrangements have been given due consideration. Even if the access road is to remain private and not be adopted, they could still provide double yellow lines and a TRO to enforce. They have also not provided any information on how parking will be

monitored to ensure vehicles aren't blocking the access (i.e. staff patrol / third-party car parking enforcement etc.) Which brings me to Point 2...

2. They have also not provided any information on the proposed car park management. They previously said this would be in accordance with NHS good practice guidelines – which highlights the importance of designated short-stay parking areas within the site. A car parking management strategy could be conditioned but ideally should be provided beforehand, as this would give us more assurance on the effectiveness of the strategy in reducing any off-site parking issues (especially as no real assessment was provided of public car parking availability previously).
3. They've suggested that the Travel Plan and Car Park Management Strategy be provided 6 months following occupation. If this was a residential development where occupations on site were phased, this would be appropriate. However, the proposed Primary Care Hub will be catering for existing staff/patients which they have quoted as being an existing catchment area of some 35,000 people. This would also suggest that no travel plan measures or car parking measures would be provided in the first six months (when travel habits would already be being established). We require prior to the commencement of development. All of the details we have requested in either document would have need to be thought of prior to occupation in any case, and I don't see how they would be an issue with surveying the existing travel patterns of staff / patients prior to occupation?
4. Both the Travel Plan (particularly accessibility catchments) / Car Park Management Strategy would also tie in with the provision of onsite car parking and cycle parking which they have suggested would be clarified at detailed planning stages. So again, I don't see why they couldn't be provided prior to commencement.
5. No issue with the TA assumptions on trip generation for the Police HQ / DIY store comparisons. They've clarified this.

OFFICER COMMENTS

Officers acknowledge the ongoing concerns of the Transportation Manager in respect of the necessity to impose conditions that require discharge prior to commencement. Officers have discussed the matter with the applicants, and agreed that a meeting with relevant parties to discuss the outstanding matters, and agree a phased approach to these submissions would be beneficial. As such, the officer recommendation has been changed to allow for this.

CHANGE TO RECOMMENDATION

Having had further discussions with the applicants about the timing of conditions (necessity for these to be pre-commencement) relating to traffic management and travel plan submissions, it is agreed that a meeting with the applicant and officers would be beneficial to discuss and agree how best this can be controlled through an appropriately worded condition.

As such, officers would recommend that the recommendation be changed as follows:

That officers named in the scheme of delegation, in consultation with the Chairman of Planning and Regulatory Committee and the Local Ward Member, be authorised to issue planning permission subject to the following conditions, including any amendments or any further conditions considered necessary by the officer named in the scheme of delegation.

In addition to this, following the receipt of Welsh Water comments it is recommended that condition 4 is deleted and replaced with the condition described above. An additional advisory note is also added as above.

182314 - SUMMARY DESCRIPTION (FOR FULL DESCRIPTION SEE APPLICATION FORM AND PLANNING CASE STATEMENT): • PROPOSED NEW FIELD ACCESSES • PROPOSED MAINTENANCE TRACKS TO SERVE SOUTHERN LINK ROAD (APPLICATION 151314) AT MULTIPLE PARCELS OF AGRICULTURAL LAND, SOUTHERN LINK ROAD CORRIDOR (151314) A465 - A49, HEREFORDSHIRE

ADDITIONAL COMMENTS

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation (SAC)
- damage or destroy the interest features for which River Wye Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- a Construction Environmental Management Plan detailing potential construction and post-construction impacts and what measures will be implemented to ensure no adverse effect on the River Wye SAC/SSSI.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures (see recommendation section below)

The Woodland Trust

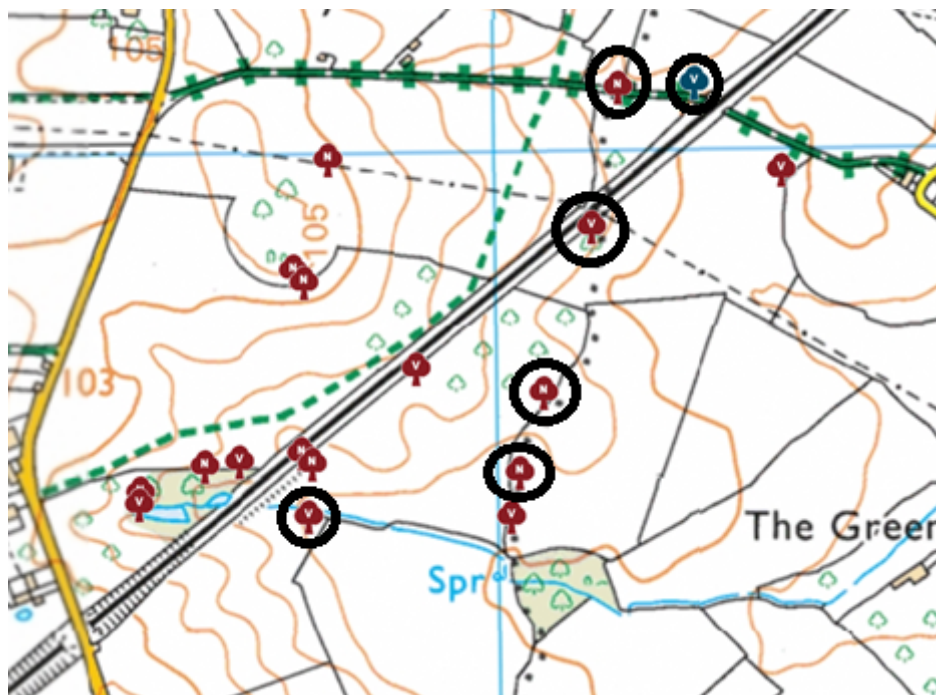
The Woodland Trust is the UK's leading woodland conservation charity. We aim to protect native woods, trees and their wildlife for the future. We own over 1,000 sites across the UK, covering around 24,000 hectares (59,000 acres) and we have 500,000 members and supporters.

Ancient and veteran trees are a vital and treasured part of the UK's natural and cultural landscape, representing a resource of great international significance. Veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able.

The Woodland Trust **objects** to this application on the basis of damage and potential future loss of a number of veteran trees. Many of these trees are designated on the Ancient Tree Inventory (ATI) with the following details:

Tree no.	Species	Grid ref	Designation	Link
142128	Hybrid Sessile & English oak	SO4924437065	Veteran	https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142128
142129	Pedunculate oak	SO4915037060	Notable	https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142129
142135	Pedunculate oak	SO4876336535	Veteran	https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=142135
146491	Pedunculate oak	SO4911636888	Veteran	https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146491
146492	Pedunculate oak	SO4905536684	Notable	https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146492
146493	Pedunculate oak	SO4902536587	Notable	https://ati.woodlandtrust.org.uk/tree-search/tree?treeid=146493

These trees can be identified on the Ancient Tree Inventory via the links I have included above. If mapped against the proposed plans these trees can be identified, I have circled them below for you.



Planning policy

National Planning Policy Framework (NPPF), paragraph 175 states: “When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;”

Exceptional reasons are defined in Footnote 58 as follows: “For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”

We consider that the proposed development does not fit these criteria and as such should be refused on the grounds it does not comply with national planning policy.

Natural England’s Standing Advice for Ancient Woodland and Veteran Trees¹ states: “Ancient woodland, and trees classed as ‘ancient’, ‘veteran’ or ‘aged’ are irreplaceable. Ancient woodland takes hundreds of years to establish and is considered important for its wildlife, soils, recreational value, and cultural, historical and landscape value.”

Herefordshire Council's Core Strategy states in 'Policy LD3 – Green infrastructure':
"Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

1. identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain;
2. provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
3. integration with, and connection to, the surrounding green infrastructure network."

Impacts on veteran/notable trees

We note that this application is required for the delivery of the approved Hereford Southern Link Road (application 151314). It is important to consider that since this road scheme has been approved, wording for protection of ancient woodland within the NPPF has been updated.

Considering this application would have direct impacts on a number of veteran trees, the updated wording in the NPPF is particularly pertinent.

A 'veteran tree' is usually in the second or mature stage of its life and has important wildlife and habitat features including: hollowing or associated decay fungi, holes, wounds and large dead branches. It will generally include old trees but also younger, middle aged trees where premature aging characteristics are present.

A 'notable tree' is one of local importance, or of personal significance to the individual recorder. This includes specimen trees or those considered to be potential, next generation veteran trees that are of a considerable size already.

The significant concentration of notable and veteran trees within this area means that damage and/or loss of any aged or veteran trees would result in a reduction of available habitat for species reliant on the dead and decaying wood habitat that such trees provide.

While the proposals do not require the removal of any veteran trees, there are elements of the application that would encroach within the canopies and root protection areas (RPAs) of these specimens, specifically temporary haul route alignments and the realignment of a cycle track and its associated fence line. Development within the RPAs and/or canopy of a veteran tree can result in adverse impacts on the tree by damaging the tree's root system through soil compaction and direct root damage, as well as bringing the tree in to a more public setting thereby making it a potential hazard and affecting its long-term retention.

The Arboricultural Method Statement submitted as part of the application details the trees in the vicinity of the application and outlines their determined RPAs. The applicant has stated that the RPAs of these trees have been "calculated as an area equivalent to a circle with radius 12 times the stem diameter", in accordance with BS5837 guidelines.

However, in the case of veteran trees the RPA should be calculated in accordance with Natural England's standing advice. This government guidance identifies mitigation measures that should be considered where nearby development may result in impacts on veteran trees, including:

- putting up screening barriers to protect woodland or veteran trees from dust and pollution

- leaving a buffer zone at least 15 times larger than the diameter of a veteran tree or 5m from the edge of its canopy, if that's greater protecting veteran trees by designing open space around them
- identifying and protecting trees that could become veteran trees in the future

Considering the above recommendations are government guidance the Trust considers that the applicant must take this guidance in to account and recalculate the RPAs of any veteran trees within the site boundary to ensure that a buffer of 15 times the stem diameter is being maintained for any veteran trees. At present it is clear that the veteran trees within the site boundary have not been afforded suitable RPAs thereby contravening national planning policy and government guidance.

Trees are susceptible to change caused by construction/development activity. As outlined in 'Trees in relation to design, demolition and construction, BS 5837:2012', construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction works. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.

While no dig construction is proposed where haul routes/cycle routes are routed through the RPAs of veteran trees, the long-term retention of these veteran specimens will be affected by the trees being brought in to a setting in which there will be increased targets. Over-mature and veteran trees typically feature significant deadwood habitat and will generally be going through a process known as retrenchment, which involves increasing trunk girth and shedding branches to remain biomechanically stable. This process creates habitat of great value for biodiversity, e.g. retained deadwood in the crown, broken/fractured branch ends of different dimensions, and trunk cavities/wounds. However, this same aging process can also mean the veteran tree will likely be considered a health and safety risk if it is within a public setting, thereby threatening its long-term retention.

Our concern is also supported by the guidance within David Lonsdale's 'Ancient and other Veteran Trees: Further Guidance on Management' (2013), which states in paragraph 3.5.2.1 "...avoid creating new or increased targets: as happens for example following the construction of facilities (e.g. car parks or buildings) which will bring people or property into a high risk zone. Not only does this create targets, it also harms trees and therefore makes them more hazardous".

Considering the above, the Trust requests that the applicant revisits their Arboricultural Method Statement to ensure that all veteran trees within their site boundary are afforded appropriate RPAs/buffers equal to at least 15 times their stem diameters. Development should not encroach on the RPAs of any veteran or notable trees. Where haul routes/cycle routes are temporarily realigned within the RPAs of veteran trees the applicant must look at rerouting these elements of the development to ensure that the RPAs of any veteran or notable trees are respected and not encroached on. Subjecting veteran trees to damage on account of a temporary development is wholly inappropriate.

It is essential that no trees displaying ancient/veteran characteristics are damaged or lost on account of this development. Notable trees should also be retained and afforded significant buffers; while they may not represent the same level of value as ancient/veteran trees, they are likely to become veteran specimens if afforded appropriate space to grow and develop. Any damage or loss of veteran trees would be highly deleterious to the wider environment of mature and veteran trees, which may harbour rare and important species.

Conclusion

Veteran trees are irreplaceable; once lost it cannot be re-created. Any development resulting in damage and loss to veteran trees is unacceptable and must ensure that every possible measure is explored to ensure such impacts are avoided.

In summary, the Woodland Trust **objects** to this application on the basis of damage to a number of veteran and notable trees. The proposed development would feature elements that encroach within their canopies/RPAs resulting in damage and threatening their long-term retention. It is apparent that the applicant has not given appropriate consideration to the veteran trees, particularly as they have used RPAs measured at 12 times the stem diameter, rather than the 15 times diameter recommended by Natural England where veteran trees are concerned.

As such we do not consider that the application in its current form is appropriate and that it would contravene both local and national planning policy and government guidance in relation to veteran trees.

The Trust doesn't have any further concerns to express other than those that we have highlighted in our response (attached again for ease) and the recommendations within Natural England's Standing Advice

(<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences#veteran-trees>).

Woodland Trust (Further comments 26th Sept 2018)

The ATI website states that two of the veteran trees were recorded as veteran in December 2014 and the other veteran was recorded in September 2015.

All trees recorded on the Ancient Tree Inventory will have been assessed by our trained and experienced verifiers as to whether they display veteran characteristics in line with the following document: [file:///wfs01/folderredirection/jta/Downloads/pg-wt-2014-ancient-tree-guide-4-definitions%20\(2\).pdf](file:///wfs01/folderredirection/jta/Downloads/pg-wt-2014-ancient-tree-guide-4-definitions%20(2).pdf).

In relation to the RPAs of the trees we consider that incursions within the RPAs should be kept to an absolute minimum and avoided wherever possible. The RPA encroachments of T68 and T70 appear to be particularly avoidable considering the surrounding landscape. Temporary work that may result in damage to veteran trees is particularly inappropriate so the soil storage around T68 must be avoided as this would result in unnecessary soil compaction.

We acknowledge that T75 already exists in a relatively public setting, however it is important to consider the potential impact of siting the new haul route and realigned cycle route within the RPA of T75, both in terms of the tree being considered a health and safety hazard on account of crown deadwood and historic branch failure, and in terms of compaction of soil affecting the tree's root systems. We accept that a cycle route is likely to have less impacts in these cases but a haul route with heavy construction vehicles is likely to have greater impact in terms of compaction and impacts on the root system.

In summary, we maintain that the trees in question are veteran specimens and should be treated as such, including being afforded a buffer 15 times their diameter in line with NE's Standing Advice. We also consider that any new development, whether cycle routes or haul routes, should not be located within the RPAs of veteran trees as this would result in temporary damage to these trees and that every possible measure should be explored to ensure avoidance.

OFFICER COMMENTS

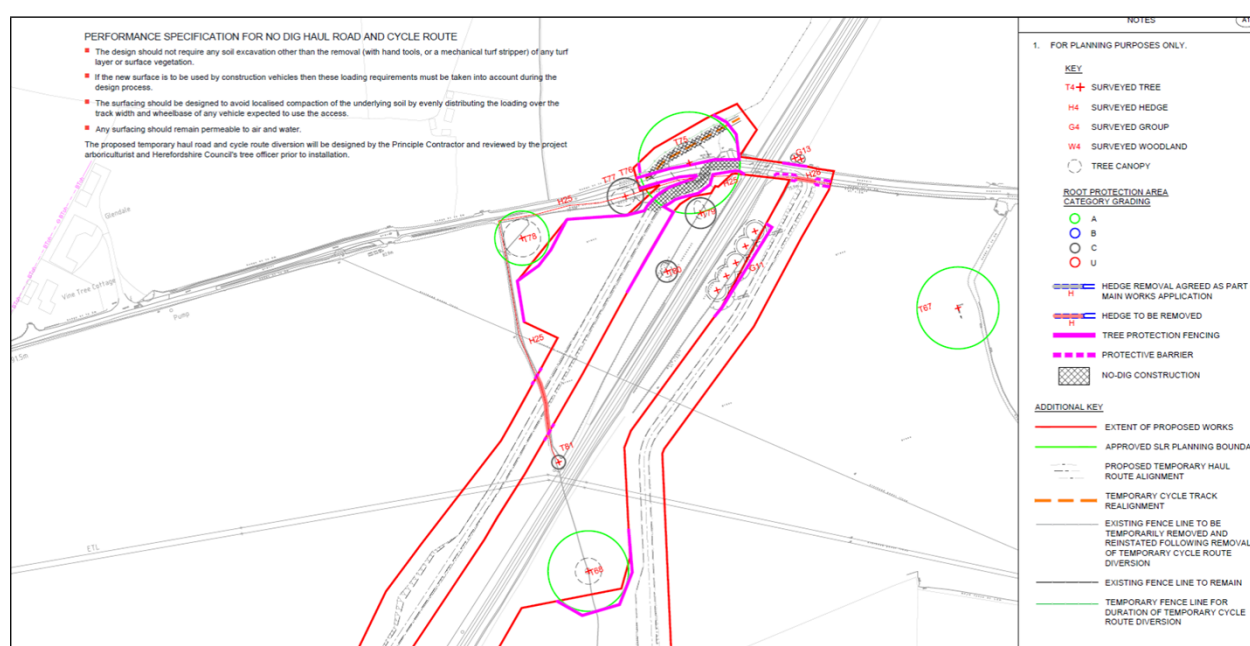
As members will see from the above correspondence, the Woodland Trust has raised concern about the assessment and impact on a number of trees affected by the temporary Haul route and temporary cycle route.

Central to this issue is whether the trees are, in fact, veteran trees.

The arboricultural report, submitted by WSP did not identify the trees in question as Veteran, describing them as 'mature'. The applicants have however since confirmed that the root protection area has been calculated within the report and shown in the drawings as though it were a veteran tree. That is, the RPA has been calculated at 15 times the stem diameter not 12, furthermore the tree has been awarded the highest retention category (Category A).

However, as detailed above, the Woodland Trust have identified them, on their databases as 'Veteran' and have raised an objection as can be seen above.

The Council's Tree Officer has very recently visited the site and confirmed that, in his opinion T75 that lies adjacent to the existing bridleway is a Veteran tree. Given the tree's proximity to the existing metalled bridleway (that would be used as the haul route), officers would accept that the mitigation proposed is acceptable. However, as a precaution, and in respect of the embankment required to exit the field onto the bridleway, a condition that includes the submission of a method statement is suggested. In addition, this condition will look at the other trees noted, their route protection areas and method statements for any works / storage within or adjacent to the route protection areas of the trees.



As described in the Woodland Trust objection, National Planning Policy Framework (NPPF), paragraph 175 states: “When determining planning applications, local planning authorities should apply the following principles:

c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

Exceptional reasons are defined in Footnote 58 as follows: “For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”

Given the comments received, officers would take a precautionary approach, and advise that it is not possible to confirm, without doubt, that the proposals would not result in the loss or deterioration of the veteran tree as an irreplaceable habitat. The NPPF directs that development should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

In this instance, it is considered that this proposal, that would facilitate the construction of an infrastructure the benefits of which have been previously debated and agreed through the granting of planning permission for the Southern Link Road. The provision of this temporary haul road, will bring its own significant benefits to the construction phase of the scheme. Removing haul traffic from the public road network, reducing impacts in terms of noise and air quality on local residents. Officers are satisfied that pre-commencement conditions will secure a suitable scheme of protection, mitigation and monitoring as well as post construction reinstatement and monitoring that will sit alongside the CEMP recommended by the ecologist and agreed with Natural England. It is also noted that this is a temporary haul route and cycle way that will be removed and land reinstated.

As such, additional conditions are recommended below.

CHANGE TO RECOMMENDATION

Delete condition 4 and replace with the following (as agreed with Natural England) to include the post construction monitoring element.

Biodiversity

Prior to commencement of development, a Construction Environmental Management Plan documenting construction and post-construction monitoring impacts for each of the cited land parcels (sheet 1 – 10) of the proposal shall be submitted for approval in writing by the local planning authority and shall include:

- timing of the works,
- details of storage of materials,
- control of surface water run-off into watercourses and
- measures to minimise the extent of dust, odour, noise and vibration arising from the construction process.

The Plan shall be implemented as approved.

Include conditions in respect of trees as follows:

Tree Protection

Prior to commencement of any development detailed on drawing number – 3512983BP-WSP-ZO-XX-DR-T-00003-P04 Sheet 3 - a detailed Tree Protection and Mitigation plan shall be submitted to and approved in writing by the Local Planning Authority that shall include, but not be restricted to:

- Accurate plans showing the Root Protection Area
- Construction method statement for both the temporary Haul Road and cycleway
- Mechanism and details of monitoring for any impacts on trees during construction phase
- Detailed method statement for the reinstatement of land post construction phase
- Mechanism and details of monitoring for any impact on trees post construction phase
- Details of storage area for soil and method statement for soil storage within or adjacent to the Root Protection Areas.

C90 – Protection of trees / hedgerows that are to be retained

PLANNING COMMITTEE - 27 September 2018

PUBLIC SPEAKERS

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Mr Smaylen Per Abz Randera	Proposed new health centre (Use Class D1) including ancillary pharmacy (Use Class A1), access, parking, landscaping and associated works at Land Fronting Station Approach (City Link Road), Hereford	181583	37
SUPPORTER MR B SMAYLEN (applicant) and MR A RANDERA (Architect/Agent)				

7	Mrs Lane Per Mr Jiggins	Summary description (for full description see application form and planning case statement): Proposed new field accesses & proposed maintenance tracks to serve Southern Link Road Corridor (151314) at Multiple Parcels of Agricultural Land, Southern Link Road Corridor (151314) A465 – A49, Herefordshire	182314	79
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