

# Agenda

## Planning and regulatory committee

Date: **Thursday 27 September 2018**

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Time: **2.30 pm**

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

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Planning and regulatory committee**

## **Membership**

<b>Chairman</b>	<b>Councillor PGH Cutter</b>
<b>Vice-Chairman</b>	<b>Councillor J Hardwick</b>
	<b>Councillor PA Andrews</b>
	<b>Councillor BA Baker</b>
	<b>Councillor CR Butler</b>
	<b>Councillor PJ Edwards</b>
	<b>Councillor DW Greenow</b>
	<b>Councillor KS Guthrie</b>
	<b>Councillor TM James</b>
	<b>Councillor JF Johnson</b>
	<b>Councillor MD Lloyd-Hayes</b>
	<b>Councillor FM Norman</b>
	<b>Councillor AJW Powers</b>
	<b>Councillor A Seldon</b>
	<b>Councillor NE Shaw</b>
	<b>Councillor WC Skelton</b>
	<b>Councillor SD Williams</b>

## Agenda

<b>GUIDE TO THE COMMITTEE</b>		<b>Pages</b>
<b>1. APOLOGIES FOR ABSENCE</b>	To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. MINUTES</b>	To approve and sign the minutes of the meetings held on 22 August 2018.	11 - 36
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	To receive any announcements from the Chairperson.	
<b>6. 181583 - LAND FRONTING STATION APPROACH (CITY LINK ROAD), HEREFORD</b>	Proposed new health centre (use class D1) including ancillary pharmacy (use class A1), access, parking, landscaping and associated works.	37 - 78
<b>7. 182369 - MULTIPLE PARCELS OF AGRICULTURAL LAND SOUTHERN LINK ROAD CORRIDOR (151314) A465 - A49 HEREFORDSHIRE</b>	Request for Screening Opinion. Summary Description (see application form for Full application and Planning Case Statement): • Proposed new field accesses • Proposed maintenance tracks to serve Southern Link Road (application 151314) • Revised drainage including revised storage provisions, drainage ditches, outfall pipes, replacement culverts • Temporary Haul Route (west and east of railway line) inc temporary diversion of cycleway • New bridleway	79 - 132
<b>8. DATE OF NEXT MEETING</b>	Date of next site inspection – 9 October 2018  Date of next meeting – 10 October 2018	





## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairperson or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

## Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor A Seldon	It's Our County
Councillor NE Shaw	Conservative
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

## Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairperson and vice chairperson.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.  In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

## How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

## Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting

- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

#### **Role of the local ward member**

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.



**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 22 August 2018 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, PJ Edwards, KS Guthrie, JA Hyde, TM James, MD Lloyd-Hayes, FM Norman, AJW Powers, A Seldon, NE Shaw and SD Williams

**In attendance:** Councillors PD Price and J Stone

**28. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler, DW Greenow and WC Skelton.

**29. NAMED SUBSTITUTES**

Councillor JA Hyde substituted for Councillor CR Butler.

**30. DECLARATIONS OF INTEREST**

None.

**31. MINUTES**

**RESOLVED:** That the minutes of the meetings held on 25 July be approved as a correct record and signed by the Chairman.

**32. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**33. 181384 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, HEREFORDSHIRE**

*(Proposed residential development of 25 dwellings along with new access and associated works.)*

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. He highlighted that an additional condition was proposed in relation to drainage.

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

He made the following principal comments:

- The current proposal was a much more acceptable scheme than that which had been granted outline planning permission in December 2015. There was only one objection to the current proposal compared to 43 objections to the preceding application.
- The communication with the Parish Council and the local community on the application had been much improved. The Parish Council supported the application.
- The application site had been accepted as a commitment within the Kimbolton Neighbourhood Development Plan. If the application were approved the Parish would have no difficulty in meeting the minimum housing provision target in the Core Strategy.
- There were no objections from the statutory consultees. However, he highlighted the response from Welsh Water regarding conditions and the conditions requested by the Service Manager (Built and Natural Environment).
- It was disappointing that the provision of the additional housing would result in the loss of public open space and the community orchard proposed in the original application.
- He hoped that the off-site contribution would be used to improve surrounding public rights of way in the parish.
- There had been concerns about flooding and pollution and he hoped that reassurance on both sewerage and drainage would be provided. He noted that the land drainage officer considered the proposals to be largely acceptable in principle, subject to additional information being submitted.
- A further concern related to the extra traffic that would be generated. Speeding was an issue in the locality and traffic calming measures would be welcome as would a footway and cycle link between Chestnut Way and the A49. It was to be hoped that measures would be provided from the funding for sustainable transport infrastructure referenced in the draft S106 agreement, appended to the report, in discussion with the Parish Council and the local ward member.
- The scheme was not perfect but it did represent an improvement on the previous scheme and was unlikely to be improved upon. On balance he therefore supported it.

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

- Noting that Welsh Water did not own the treatment plant it was questioned whether this had an adverse implication for the affordability of the proposed affordable housing.
- The additional condition included in the update sheet would address the significant concerns expressed about sewerage and drainage.
- Improved pedestrian links to the A49 would be welcome, providing access to Leominster and improving sustainability.
- The improved communication on the application with the parish council and the community was to be welcomed.
- The Parish Council supported the application.
- It was important that energy efficient design was used to minimise running costs of the homes, in particular affordable housing to ensure that it was indeed affordable.
- It was asked whether the application again prompted further consideration of whether the affordable housing thresholds and targets in policy H1 needed to be reviewed.



In response to questions the Development Manager commented that the proposed garden space provided for properties under the revised scheme would be quite generous. He could not comment on the cost of sewerage and drainage for the privately maintained works. He explained the basis on which the initial cost of the affordable housing units would be calculated. He confirmed that sustainable transport measures were referenced in the draft heads of terms and works that could be financed by the sum to be provided would be discussed with the parish council and local ward member. A local housing needs survey had been undertaken in 2012. The Parish Council support for the scheme could be assumed to indicate that the proposed affordable housing would fulfil a local need.

The local ward member was given the opportunity to close the debate. He reiterated that overall the scheme was of benefit.

Councillor Edwards proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition as set out in the update sheet. The motion was carried with 12 votes in favour, none against and 1 abstention.

**RESOLVED: That officers named in the Scheme of Delegation to Officers be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to the obligations in the draft heads of terms and any additional matters and terms as considered appropriate. Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation:**

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C01 Samples of external materials**
4. **G03 Retention of existing trees/hedgerows**
5. **G04 Protection of trees/hedgerows that are to be retained**
6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **Prior to commencement of the development, an appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to conduct an ecological inspection at an appropriate time of year and ensure there is no impact upon protected species by clearance of the area. The results and actions from the inspection and survey shall be relayed to the local planning authority upon completion.**

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

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

9. The recommendations set out in Section 5 of the ecologist's report from Churton Ecology dated March 2015 and the pre-commencement site checks should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

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

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

10. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- a. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
  - b. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
  - c. A plan to show the location of site offices and rest areas for staff
  - d. A noise management plan including a scheme for the monitoring of construction noise.
  - e. Details of working hours and hours for deliveries
  - f. A scheme for the control of dust arising from building and site works
  - g. A scheme for the management of all waste arising from the site
  - h. A travel plan for employees

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows; including rooflights, shall be constructed in any of the elevations of the bungalows shown on Plots 1 to 3 of the approved plan 5776/P/10.

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site,

and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

12. H06 Vehicular access construction
13. H11 Parking - estate development (more than one house)
14. H17 Junction improvement/off site works
15. H18 On site roads - submission of details
16. H29 Secure covered cycle parking provision
17. I51 Details of slab levels
18. Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any of the building[s] hereby permitted. In order to satisfy the condition the following information is required:
  - Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
  - Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
  - Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event.
  - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
  - Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
  - Demonstration that appropriate access is available to maintain drainage features.
  - Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.
  - Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning

**policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**34. 180157 - GREEN BANK, SUTTON ST NICHOLAS, HEREFORD, HR1 3AX**

*(Proposed new 2 bedroom dwelling.)*

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

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

In accordance with the criteria for public speaking, Mr A Whibley, the applicant's agent, spoke in support of the application.

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

She made the following principal comments:

- In relation to the proximity of Green Bank to the grade 2 listed building known as "The Creswells" she noted that it was proposed that the ground level upon which the proposed dwelling was to be built would be lowered so that it would accord with the neighbouring properties.
- The site was bounded by mature hedges.
- The Transportation Manager had no objection to the proposed access.
- The applicants were seeking to downsize but remain in the village.
- The site was accepted within the Neighbourhood Development Plan as being appropriate for a dwelling. The Parish Council supported the proposal and there were also many letters in support of it from local residents.
- The only strategic objection was from the Conservation Manager (Historic Buildings) (CMHB) raising concerns over the location within the conservation area and the size and design of the proposed dwelling adjacent to The Creswells. The applicants had sought pre-application advice, had modified the design and made every effort to meet the CMHB's requirements and harmonise with and enhance the conservation area. However, as set out at paragraph 4.5 of the report the CMHB remained opposed to the proposal although the level of harm to the heritage assets and conservation area was considered to be less than substantial.
- She considered that the application should be supported.

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

- The Parish Council supported the proposal.
- The sole objection was from the CMHB who did say that some development on the site should be feasible, however, an innovative solution would be required to achieve this without having a negative impact.
- One view was that the proposal would not be detrimental to the conservation area. There was a distinct boundary between the plot and The Creswells. The Creswells did not overlook the plot. The proposal had some architectural merit that would enhance the area. A contrary view was that the proposal would not conserve and

enhance the conservation area and historic assets and was therefore contrary to policy as the CMHB had stated.

- The development could not be described as a modest development in relation to the size of the site.
- It should be possible for the applicants to find a suitable property within the village and there appeared to be little justification for the proposal.
- The setting of the existing property would be adversely affected by building the proposed dwelling in its garden which was a good example of a country garden.
- The development would require the removal of a length of stone wall that itself had merit.
- There was concern that the surrounding hedgerow would also be adversely affected as a consequence of the lowering of the site level to accommodate the dwelling.

The Lead Development Manager highlighted the CMHB's advice that the benefit of the scheme would not outweigh the harm to the setting of the conservation area and the listed building.

The local ward member was given the opportunity to close the debate. She noted that it was a question of the assessment of the impact upon the conservation area

A motion that the application be approved was lost.

Councillor Seldon proposed and Councillor Powers seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 9 votes in favour, 3 against and no abstentions.

**RESOLVED: That planning permission be refused for the following reasons:**

1. **By virtue of the scale, form and architectural character of the proposed dwelling it would result in harm to the character and appearance of the Sutton St Nicholas Conservation Area, the setting of the adjacent listed building and would not positively contribute to the character of the area and respect its context. This is contrary to policies LD4, RA2(3), LD1 and SD1 of the Herefordshire Local Plan – Core Strategy, policies 3(4) and 6 of the Sutton St Nicholas Neighbourhood Development Plan and the requirements of the National Planning Policy Framework.**

**The above harm, when taking into account the statutory duty under sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in respect of designated heritage assets, and the policies of the National Planning Policy Framework provides clear reason for refusing planning permission (paragraph 11d) i) and notwithstanding that the identified adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11d) ii).**

#### **Informative**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations by identifying matters of concern with the proposal and discussing those with the applicant. Unfortunately, it has not been possible to resolve those matters and negotiate a scheme that is considered to be policy compliant. The Local Planning Authority is willing to provide further pre-application advice in respect of any future application for a revised development.**

*(The meeting adjourned between 11.20 and 11.23.)*

**35. 181825 - WOODYATTS FIELD, WOODYATTS LANE, MADLEY, HEREFORDSHIRE, HR2 9NN**

*(Proposed 4 bedroom low level dwelling.)*

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

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

In accordance with the criteria for public speaking, Mrs Amos, the applicant, spoke in support of the application.

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

He made the following principal comments:

- There was local support for the application including from the Parish Council and sympathy for the personal circumstances of the applicant's family. There were no objections
- It was possible that Woodyatts field could be identified for development within the Neighbourhood Development Plan that was in preparation.
- The proposal would contribute to the housing target, was unobtrusive and would not be unwelcome.
- A footpath provided connectivity to the village.
- He considered the proposal would be of value and enable the family to provide care that would otherwise have to be provided by health services.

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

- The Parish Council supported the proposal along with a number of local residents. There were no objections.
- One view was that the site was surrounded by other dwellings and could well be identified for development within a neighbourhood development plan. A contrary view was that no regard could be had to such a hypothetical point.
- Whilst sympathetic to the applicants' personal circumstances they were not a material planning consideration. The proposal represented development contrary to policy in the open countryside.
- There were other ways in which the personal needs could have been addressed, for example through the provision of an annex.
- Having regard to paragraph 6.17 of the report it was questioned whether the property was isolated and in the open countryside and represented unsustainable development. It was noted that the site was some 300m from the church and shops by footpath and that there were 5 other properties in the immediate vicinity. Improving footpath access would appear to be an option and a way of making the development sustainable.

- The PPO commented that in the absence of a NDP and a settlement boundary the Core Strategy required consideration to be given to whether the site was in a main built up area. The site, whilst it might not be isolated, was not in a main built up area. The B road did not have any footpaths alongside it. Officers did not consider that a public right of way in itself afforded sufficient, safe accessibility to services and encouraged active travel. Officers' judgment, supported by recent appeal decisions, was that, even if not isolated, the site was not sustainably located. She added that this was the first time that the applicant had mentioned personal circumstances in support of the application. Had these been raised previously other options such as the provision of an annex could have been explored. A substantial open market property could not be tied to an existing dwelling.

The Lead Development Manager commented that had officers been made aware of the personal circumstances consideration could have been given to whether it would be possible to provide a policy compliant annex. Very rarely could weight be given to personal circumstances. In policy terms the site was in the open countryside.

The local ward member was given the opportunity to close the debate. He reiterated that he considered that there was connectivity. He questioned if an annex of sufficient size could be provided to accommodate the family.

A motion that the application be approved was lost on the Chairperson's casting vote.

Councillor Seldon proposed and Councillor Norman seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried on the Chairperson's casting vote there having been 6 votes in favour, 6 against and no abstentions.

**RESOLVED: That planning permission be refused for the following reason:**

1. **The proposal represents unsustainable new residential development within a countryside location divorced from any identified settlement and as such the proposal is contrary to Herefordshire Local Plan - Core Strategy Policies SS1, SS7, RA1, RA2 and RA3. The benefits would be significantly and demonstrably outweighed by the adverse impacts resulting from the locational unsustainability of the site, which conflicts with Herefordshire Local Plan - Core Strategy Policies SS4 and MT1 and the relevant aims and objectives of the National Planning Policy Framework.**

**Informative:**

- 1 **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which have been clearly identified within the reason for the refusal, approval has not been possible.**

**36. 180193 - LAND AT WESTBROOK COURT, WESTBROOK, HEREFORD**

(Proposed erection of 5 single bed holiday chalets and associated parking.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr D Jones, of Clifford Parish Council spoke in opposition to the Scheme. Mrs K Morgan, the applicant's agent, spoke in support.

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

He made the following principal comments:

- The current business was very successful with many benefits to local businesses, the wider area of the County and beyond. The applicants were seeking to grow a sustainable business, within the existing curtilage, that would support both parents and employ local staff. It was not a development in the open countryside.
- The units would not be visible from most angles but still enabled individual unit views to the north. There was no intention to build any other units in front, as the success of the units depended on their location and view. The roofs would be constructed using high quality "green" materials to soften the design and make them less conspicuous,
- The Landscape and Conservation officers had observed that there could be a long distance view of the development from the public rights of way on Merbach hill. Allowing a hedge to the east to grow a little higher and some individual tree planting would maintain the traditional form of the landscape and mitigate any such views from Merbach hill. The only other potential long distance view was towards the north and this would be mitigated by the non-reflective glass walls of the development facing that direction.
- The suggestion that the units should be placed in the very small area next to the cattle sheds was not a feasible option.
- A grade 2 listed building on the site needed repair. This required additional income. Future development might involve growth in using this building.
- There was growing tourist demand in and around the Golden Valley area. The provision of more tourist beds should be supported.
- The Core Strategy provided for businesses to grow within "a residence and business curtilage"
- The majority of the officer report was encouraging and supportive. The negative aspects could be mitigated.
- The issues raised by the Parish Council could be overcome.
- Supporting the application would demonstrate the Council's support for businesses.
- Nearly all of the representations supported the application.
- He asked the Committee to support the application.

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

- Policies E4 and RA6 supported the development and business success would also enable the listed buildings on site to be protected.
- The existing hedges would provide cover for the development.
- It was understandable that officers suggested a site closer to the existing building would be preferable. However, the neighbouring farm buildings were not in the applicants' ownership and it was clear that they did not wish to put the development on that part of the site.



- There was concern that the site would be in the open countryside, would be visible from Merbach hill, a lit path would be needed to the main building and there would be light from the chalets.
- It was requested that a walnut tree on site should be protected.
- The proposed design was not appropriate in the location. The objection of the Conservation Manager (Landscape) was sound.
- It would be preferable to develop the existing buildings.
- There was a concern that the site would continue to grow.

The Lead Development Manager commented that it was a question of balance between landscape harm and the economic aspects of the application. Officers had concluded that the landscape harm outweighed the benefits.

The local ward member was given the opportunity to close the debate. He reiterated that he considered that the chalets with a little mitigation would be virtually invisible from Merbach hill. The design would also make the chalets inconspicuous and he considered it to be appropriate for the site. The applicants did not own enough land for the development to grow excessively and that would also be contrary to the ethos of their scheme. He did not consider that there was a transport issue given the scale of the development and there was no objection from the Transportation Manager. He also considered that most of the Parish Council's concerns could be mitigated.

Councillor Edwards proposed and Councillor Hyde seconded a motion that the application be approved on the grounds that it complied with policies E4, RA6, MT1 and paragraphs 6 and 12 of the National Planning Policy Framework (NPPF). The motion was carried with 7 votes in favour, 5 against and 1 abstention.

**RESOLVED: That planning permission be granted on the grounds that the application was supported by policies E4, RA6, MT1 and paragraphs 6 and 12 of the NPPF, and officers named in the scheme of delegation to officers be authorised to detail the conditions and reasons put forward for approval.**

#### **Appendix - Schedule of Updates**

The meeting ended at 12.55 pm

**Chairman**



# **PLANNING COMMITTEE**

**Date: 22 August 2018**

***Morning***

## **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

<b>181384</b>	<b>PROPOSED RESIDENTIAL DEVELOPMENT OF 25 DWELLINGS ALONG WITH NEW ACCESS AND ASSOCIATED WORKS AT FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, HEREFORDSHIRE</b>  <b>For: Mr Brown per Miss Beth Hamblett, Matthews Warehouse, High Orchard Street, Gloucester Quays, Glos, GL2 5QY</b>
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### ADDITIONAL REPRESENTATIONS

**Housing Officer** - I refer to the above planning application and can confirm that I support the proposal to provide 4 x 2 bed Low Cost Market (LCM) units on this site.

LCM housing is housing that is sold at a discounted price in perpetuity with the values determined by reference to the council's Technical Data that is attached to Planning Obligations SPD. Therefore I would expect the initial asking price to be in line with the current technical data and any future discount to be agreed prior to the S106 being signed.

There will be a requirement for these units to be available for households with a local connection to Kimbolton.

Correspondence has been received by Welsh Water from Mr Read, the local resident who has commented on the application. Mr Read's email to Welsh Water, together with their response reads as follows:

**Mr Read** - You will note from the deposited drainage plans for the above application that it is proposed that the storm water is to enter Welsh Water 150mm drain identified as manhole S72. This storm drain is not adequate to take the existing volume of storm water and regularly overflows during heavy storms leaving deposits of stone and gravel along the A4112 washed down from the Ryde Lane.

I have attached my letter of objection to Herefordshire Council for your information and trust you will look again at the situation on site. You will also note that all this extra volume of water is discharging into a recognised Environment Agency flood plain which fairly often floods land and property, I have copied the E.A. in to this email.

**Welsh Water response** - Thank you for your email to which I can provide the following comments:

Our records indicate that the sewerage network and receiving Waste Water Treatment Works that serves Stockton Rock is private and we are not responsible for maintaining this system.

We have confirmed this via our billing system which shows that properties on Stockton Rock are billed for potable drinking water only and not for any sewerage services.

## **OFFICER COMMENTS**

Drainage arrangements for the site have previously been considered in detail under the original outline planning application for 21 dwellings. The arrangements to be made were similarly shown with an attenuation pond at the lower end of the site, adjacent to the road. Outline planning permission was granted subject to the imposition of a condition to require details of drainage arrangements to be submitted.

The outline permission is a legitimate fall-back position and therefore the only matter to be considered here is whether an uplift of four dwellings will demonstrably and detrimentally change the situation with respect to drainage such that planning permission should be refused. The comments from the Land Drainage Engineer at paragraph 4.8 of the report confirm the matter can be addressed through the imposition of appropriately worded conditions. The comments provide a series of matters to be satisfied by any such condition.

**Correction** – Paragraph 6.21 erroneously makes reference to the provision of a community orchard in the area immediately adjacent The Chestnuts. The community orchard is no longer proposed.

## **CHANGE TO RECOMMENDATION**

With regard to drainage the addition of the following condition is recommended:

Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use occupation of any of the building[s] hereby permitted. In order to satisfy the condition the following information is required:

- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology.
- Detailed drawings of proposed drainage layout, attenuation features and outfall structures.
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to and including the 1 in 2 annual probability storm event.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system up to and including the 1 in 100 year event with climate change.
- Confirmation that the adoption and maintenance of the drainage systems has been agreed with the relevant authorities.
- Demonstration that appropriate access is available to maintain drainage features.
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

- Calculations to inform the assessment of the risk of water backing up the foul/surface water drainage system from any proposed outfall and how this risk will be managed without increasing flood risk to the site or to people, property and infrastructure elsewhere, noting that this also includes failure of flap valves.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

<b>180157</b>	<p><b>PROPOSED NEW 2 BEDROOM DWELLING AT GREEN BANK, SUTTON ST NICHOLAS, HEREFORD, HR1 3AX</b></p> <p><b>For: Mr &amp; Mrs Gow per Mr Alex Whibley, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB</b></p>
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**ADDITIONAL REPRESENTATIONS**

Three further letters of support have been received.

**OFFICER COMMENTS**

The additional representations are of the same standard template format as the majority of letters previously received and do not raise any new issues.

**NO CHANGE TO RECOMMENDATION**

<b>181825</b>	<p><b>PROPOSED 4 BEDROOMS LOW LEVEL DWELLING AT WOODYATTS FIELD, WOODYATTS LANE, MADLEY, HEREFORDSHIRE, HR2 9NN</b></p> <p><b>For: Mr &amp; Mrs Amos per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ</b></p>
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**ADDITIONAL REPRESENTATIONS**

Ecologist – amended plans (re: drainage)

In order to secure the required mitigation for the Foul Water as required to return the required “NO adverse effect on the integrity” of the River Wye Special Area of Conservation (and SSSI) under Habitat Regulations a relevant an appropriate Condition is requested for inclusion on any planning consent granted.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management  
 All foul water from the works approved under this Decision Notice shall discharge through a connection to a package treatment plant with a final outfall to a soakaway drainage field on land under the applicant’s control as identified on supplied plan reference 145P(0)100 Revision A dated 10.08.2018; unless otherwise agreed in writing by the Local Planning Authority.

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

Previous ecology condition/comments are still appropriate and valid.

**NO CHANGE TO RECOMMENDATION**





**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 22 August 2018 at 2.00 pm**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice-Chairman)

**Councillors:** BA Baker, DW Greenow, KS Guthrie, EL Holton, JA Hyde, TM James, MD Lloyd-Hayes, FM Norman, AJW Powers, A Seldon, NE Shaw, WC Skelton and SD Williams

**In attendance:** Councillors BA Durkin, RJ Phillips and D Summers

**37. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors CR Butler and PJ Edwards.

**38. NAMED SUBSTITUTES**

Councillor EL Holton substituted for Councillor PJ Edwards and Councillor JA Hyde for Councillor CR Butler.

**39. DECLARATIONS OF INTEREST**

**Agenda item 5: 180889 – Land adjacent Church Terrace Almeley**

Councillor Lloyd-Hayes declared a non-pecuniary interest because she knew one of the applicants.

Councillor Powers declared a non-pecuniary interest because he knew a resident of an adjoining property.

**Agenda item 6: Land adjoining the Chalet Fawley Kings Caple**

Councillors Cutter and Hardwick declared non-pecuniary interests as members of the Wye Valley AONB Joint Advisory Committee.

**40. CHAIRPERSON'S ANNOUNCEMENTS**

None.

**41. 180889 - LAND ADJACENT CHURCH TERRACE, ALMELEY, HEREFORDSHIRE, HR3 6LB**

*(Proposed erection of 2 detached dwellings with detached garages.)*

*(Councillor Skelton as local ward member had no vote on this application.)*

The Development Manager gave a presentation on the application, consideration of which had been deferred by the Committee on 25 July, and updates/additional

representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

He informed the Committee that two objections had been received in response to the consultation on the Neighbourhood Development Plan (NDP) which was at Regulation 16 stage. One of the objections related to the land that was the subject of the application before the Committee. Only limited weight could be given to the NDP.

In accordance with the criteria for public speaking, Mrs E Tucker, of Almeley Parish Council spoke in opposition to the Scheme. Mr S Rogers, a local resident, spoke in objection. Mr B Eacock, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, Councillor RJ Phillips, spoke on the application on behalf of the local ward member having fulfilled that role during the processing of the application

He made the following principal comments:

- The site adjoined the settlement boundary and the Committee had been made aware of the site's history.
- It was the last day of consultation on the NDP and he was aware of the objections to the provisions relating to the application site.
- A judicial review had been lodged against the Committee's decision on 27 June 2018 to grant permission for application 173699 – land at Woonton, Almeley, contrary to the emerging NDP upon which at that time the Regulation 16 consultation had commenced. Following the Committee's decision in discussion with the local MP he had been in correspondence with the Minister for Housing. The Minister had replied that from the date of publication decision takers could give weight to relevant policies in the emerging plan that could include the stage of preparation unresolved objections and consistency with other national policies. Planning guidance also set out where circumstances may justify the refusal of planning permission on grounds that an application would be premature in relation to the emerging local or neighbourhood plan. Any weight a relevant policy could carry in determining applications remained a matter for the decision maker.
- He considered that the application should be refused. The applicant could appeal and it would then be a matter for the Planning Inspector to determine the legal aspects. Because of the site's history and this legal grey area he did not consider that this would put the authority at the risk of incurring costs.

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

- Paragraph 6.8 of the report stated that the main consideration was whether any adverse impacts associated with the development would significantly outweigh the public benefits. The Parish had not achieved its minimum housing target. The proposed development of 2 houses was modest, would contribute towards that target, was sustainable and would enhance the area. A larger infill development could have been proposed. There were few objections and none from statutory consultees.
- A contrary view was that the proposal would have an adverse effect on grade 1 and grade 2 listed buildings and was in a conservation area. The application did not preserve or enhance the area. Only a development of outstanding quality could even be considered in that location.
- It was important the Committee was consistent in its decision making noting that in its meeting that morning it had refused application 180157 at Sutton St Nicholas because of the impact on a grade 2 listed building and the conservation area.

- The advice that limited weight could be given to the NDP was questioned having regard to recent case law.
- The current neglected state of the site did not justify the development.
- The applicant had sought to address the reasons for previous refusals of applications on the site.

The Lead Development Manager confirmed that the five year housing land supply figure was to be updated in September 2018. The NDP would be submitted to an examiner to review the NDP and objections to it and this would take 3-4 months. It would not therefore be appropriate to defer consideration of the application again. If the Committee did refuse the application the applicant could await the examiner's decision and either submit a new application, or appeal, depending on whether or not the examiner upheld their objection to the NDP. He reiterated that the NDP could be afforded only limited weight.

The local ward member was given the opportunity to close the debate. He commented that the concerns about the quality of design expressed by several members provided policy grounds for refusing the application.

A motion that the application be approved was lost.

Councillor Powers proposed and Councillor Seldon seconded a motion that the application be refused on the grounds that it was contrary to policies LD2 and LD4 and paragraphs 135 and 193 of the National Planning Policy Framework (NPPF) and relevant policies in the emerging NDP. The motion was carried with 8 votes in favour, 6 against and no abstentions.

**RESOLVED: That planning permission be refused on the grounds that the application was contrary to policies LD2 and LD4, paragraphs 135 and 193 of the NPPF and relevant policies in the emerging NDP, and officers named in the scheme of delegation to officers be authorised to detail the reasons put forward for refusal.**

*(The meeting adjourned between 2.55pm and 3.00pm)*

**42. 174517 - LAND ADJOINING THE CHALET, FAWLEY, KINGS CAPLE, NR ROSS-ON-WYE**

*(Proposed erection of replacement dwelling and garage.)*

*(Councillor Skelton had left the meeting and was not present during consideration of this application.)*

The Principal Planning Officer (PPO) gave a presentation on the application.

In accordance with the criteria for public speaking, Mr A Harvey, of Kings Caple Parish Council spoke in opposition to the Scheme. Mr P Smith, the applicant's agent, spoke in support.

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

He made the following principal comments:

- He questioned the appropriateness of the proposed provision of a replacement dwelling on a different parcel of land to that on which the current chalet was situated.
- The site history recorded that a number of previous applications had been refused including one on appeal.
- The proposal was in the Wye Valley AONB requiring particular care to be exercised.
- Having regard to the provisions of policy RA3 (3) the proposed development was not of comparable size to the dwelling it was to replace and was not within the curtilage of the existing dwelling.
- The application was infill in the open countryside some distance from the settlement boundary and contrary to the NDP. It did not meet any of the exception criteria in policy RA3.
- The Parish Council objected to the proposal.

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

- In response to questions the Lead Development Manager commented that replacing a dwelling on a different site within the curtilage was not unusual and was in accordance with policy. This was to allow for the fact that a better location could often be achieved from a planning perspective by relocating within the curtilage. In the case of this application a wayside dwelling replacing the current dwelling, which was set back from the road, would be more in keeping with the settlement pattern. The proposed S106 agreement would extinguish the use of the existing property and planning permission for the replacement dwelling would not be granted until the S106 agreement had been signed. The S106 agreement would also limit the size of the replacement dwelling to a comparably sized replacement.
- Concern was expressed that the proposal did not comply with paragraph 4.8.25 of the Core Strategy. This provided detail on the interpretation of policy RA3 (3) which addressed the replacement of an existing dwelling. The current proposal did not provide for a replacement within the existing curtilage but involved a land swap. This departed from the policy requirements and risked setting a dangerous precedent.

The PPO commented that it was acknowledged, as the report stated, that the proposal was contrary to policy. However, it was considered to be justified on the grounds that it would be of benefit to the character and appearance of the AONB. The reduced curtilage shown on the plan excluded the backland area on which the current dwelling was located and would allow that area to be reinstated to open countryside with non-domestic use.

Officers confirmed that the existing building would be removed before the new one was built and occupied.

The local ward member was given the opportunity to close the debate. He indicated that he remained concerned about the proposal, noting the conflict with policy RA3.

Councillor Seldon proposed and Councillor Greenow seconded a motion that the application be approved in accordance with the printed recommendation, with an additional condition that permitted development rights be removed. The motion was carried with 10 votes in favour, none against and 3 abstentions.

**RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary by officers:**

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

2. C03 – Time limit for commencement (outline permission)
3. C04 – Approval of reserved matters
4. C05 – Plans and particulars of reserved matters
5. C07 – Development in accordance with approved plans and materials
6. H09 Driveway gradient
7. H13 Access, turning area and parking
8. H20 Road completion in 2 years
9. H27 Parking for site operatives
10. H29 Secure covered cycle parking provision
11. Within 3 months of completion of the building works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of at least ONE bat roosting enhancements (habitat boxes, tubes, tiles, bat bricks, raised weatherboarding); TWO bird nesting boxes, ONE Hedgehog House and ONE pollinating insect habitat home built in to, or attached to the new property or on land or buildings under the applicant's control, should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the LPA.

**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

12. The dwelling hereby approved shall be limited to a gross internal floor area of 100sq metres, including all internal spaces.

**Reason:** In order the dwelling, which is essentially a replacement residential use, is commensurate with the lawful residential use the development replaces, in order to comply with the requirements of Herefordshire Core Strategy policy RA3, and in order to safeguard the character and appearance of the locality and one which is within an Area of Outstanding Natural Beauty and to comply with Herefordshire Core Strategy policies SS1, SS2, RA1, LD1 and SD1, The Wye Valley AONB Management Plan and National Planning Policy Framework.

13. F14 Removal of Permitted Development Rights

#### **INFORMATIVES:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. HN01 Mud on highway
3. HN04 Private apparatus within highway
4. HN10 No drainage to discharge to highway
5. HN24 Drainage other than via highway system
6. HN28 Highways Design Guide and Specification

7. **It is suggested advice should be sought from an appropriately experience ecologist or bat worker. Habitat boxes should be suitably hard wearing and durable eg Schwegler woodcrete, Greenwood habitat's 'ecostyrocete' or similar. No external lighting should illuminate any of the enhancements, surrounding woodland habitat or other boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).**

**43. DATE OF NEXT MEETING**

The Committee noted that the date of the next meeting had been changed to the afternoon of 27 September, with site inspections on 25 September if required.

**Appendix - Schedule of Updates**

The meeting ended at 3.37 pm

**Chairman**

# **PLANNING COMMITTEE**

**Date: 22 August 2018**

*Afternoon*

## **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

<b>180889:</b>	<b>PROPOSED ERECTION OF 2 DETACHED DWELLINGS WITH DETACHED GARAGES AT LAND ADJACENT CHURCH TERRACE, ALMELEY, HEREFORDSHIRE, HR3 6LB</b>  <b>For: Mr Mokler per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Hereford, Herefordshire HR2 0SN</b>
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### **ADDITIONAL REPRESENTATIONS**

4 letters of support and 1 letter suggesting 1 house would be sufficient have been received since the latest report was prepared.

### **OFFICER COMMENTS**

There will be a verbal update on the status of the NDP during the presentation.

**NO CHANGE TO RECOMMENDATION AT PRESENT**



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>27 SEPTEMBER 2018</b>
<b>TITLE OF REPORT:</b>	<b>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), HERFORD</b>  <b>For: Mr Smaylen per Mr Abz Randerá, 5 The Triangle, Wildwood Drive, Worcester, WR5 2QX</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181583&amp;search=181583">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181583&amp;search=181583</a>
<b>Reason Application submitted to Committee – Council owned land with objections</b>	

**Date Received: 27 April 2018**

**Ward: Widemarsh**

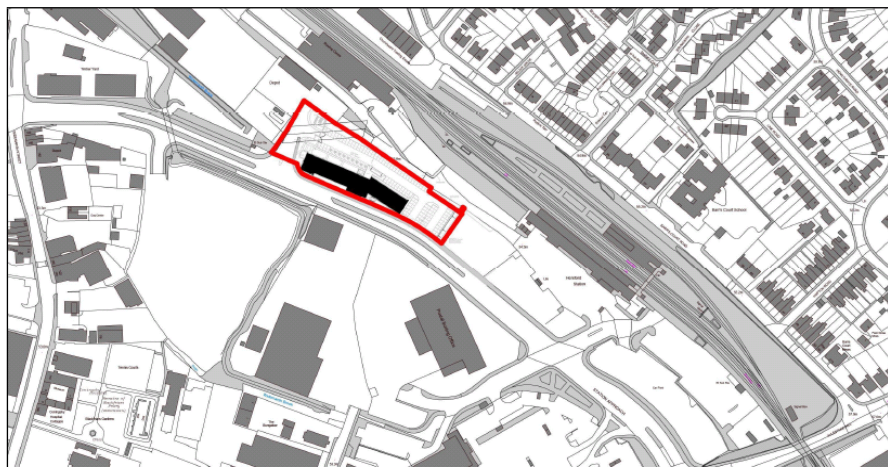
**Grid Ref: 351356,240620**

**Expiry Date: 10 August 2018**

Local Members: Cllr P Andrews (Ward Member) & Cllr DB Wilcox (adjoining Ward)

## 1. Site Description and Proposal

- 1.1 The application site lies to the northern side of the newly constructed link road that is known as Station Approach. The application site itself lies to the north of Hereford City centre, south west of the Hereford Railway Station, and immediately south of MFA Bowling that continues to be accessed by the private road to the north of the site via the short-stay car parking directly outside the station. The site is currently vacant and demarked by a timber post and rail fence and includes the access road that was formed as part of the new link road. The site was cleared as part of the development of the road and has, until recently, been used for the short-term storage of spoil.



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

- 1.2 The application seeks planning permission for the erection of a three-storey health centre, which will act to combine five of the existing city-based GP surgeries in a purpose built development. The surgeries area Greyfriars, Moorfield House, Aylestone Hill, Sarum House and King Street. These are part of a wider network of GP practices that operate out of 12 buildings across the city known as Hereford Medical Group.
- 1.3 The building has been designed to provide modern, state of the art health facilities that are fit for purpose and in close location to the catchment area. This will improve access to primary care services and have the following advantages:
- Having access to additional facilities and being able to offer a wider range of integrated services
  - Care being provided closer to home through delivery of an enhanced level of services, some of which are currently only available in a hospital setting; leading to less reliance on hospital services
  - Improved working between the practices and other health care providers, thereby offering greater provision of seamless services
  - Enable the development of integrated health provision
  - Improve access to primary care services
  - Allow efficiency schemes to be developed to provide better services to patients
  - Reduction in hospital admissions
- 1.4 The scheme proposes 2,670m<sup>2</sup> (D1) of space over three floors with an addition 180m<sup>2</sup> available for future expansion. To building also incorporates an area of A1 retail space (potential pharmacy) that is sited and designed to encourage an active frontage along Station Approach (Hereford city link road). The facility is expected to employ around 84 staff on a daily basis, with approximately 31 of these GPs.
- 1.5 The documents identify that the new proposed hub would offer a number of services, including:-
- 31 no. consulting rooms
  - 11 no. treatment rooms
  - 1 no. phlebotomy room
  - 1 no. diagnostics consulting room
  - 1 no. counselling room
  - 1 no. activity room
  - 1 no. enhanced treatment room for minor ops
  - 1 no. patient testing room / HCA room
  - Clinical utilities
  - Daily GP services between 8am and 8pm with an out-of-hours service providing 24 hour, 7 day a week consultations.
- 1.6 The site also has capacity for 92 car parking spaces (including disabled spaces) and ambulance bays. Access for patients and staff is from both sides of the building (City Link Road – now Station Approach) and the parking area. The floor plan has been designed to provide the vertical circulation (stairs and lifts), welfare facilities, reception areas and waiting rooms at the core of the building with internal rooms arranged to allow flexibility and future demand and maximise environmental benefits such as ventilation, solar gain, views and minimise the use of add on products and technology. The retail element has a separate entrance and distinctive façade designed so that visitors are not confused and to address safety and security of a potential pharmacy.

The site plan that incorporates the landscaping for the proposed development is inserted below for reference:



- 1.7 The proposal has been designed with a detailed landscaping scheme, including, as part of amendments during the application process, the inclusion of landscaping and planting and a new footway to access the railway station and bus station (future transport hub) from Station Approach. This allowing for more direct access to the medical hub from the current bus stop (Future transport hub).
- 1.8 The design and access statement identifies the design option process in more detail, with key considerations in relation to the scale and massing being a sympathetic response to the train station and consequent reduction in impact on the designated heritage asset. This is achieved by reducing mass through the use of materials, whilst emphasising the active areas and entrances of the facility.
- 1.9 During the application process, the applicants have responded to the concerns raised and amended the proposed scheme and in particular the materials used (use of render rather than panelling, introduction of brickwork to west elevation and timber panelling to road frontage). The 3D images are inserted below that depicts the proposed building elevations fronting Station Approach, and from the rear.



Above: 3D aerial view of principal elevation – Station Approach



Above: 3D aerial view of rear elevation

- 1.10 As can be seen above, the linear building fronts the highway. It has a length of around 84m and is predominantly 12m in width. The building is 12m in height. The application site, at its widest (west) is 46m, narrowing to 26.5m to the east.
- 1.11 The proposed scheme has used a fabric first approach and is targeting at achieving a BREEAM Excellent rating. The philosophy of a fabric first approach is to minimise the use of add on elements (such as louvers) for providing a comfortable internal environment and achieving this through the building fabric and landscaping strategy. A low carbon feasibility study has also been undertaken and submitted with the application.
- 1.12 The application has been supported by a number of documents that address the technical and environmental issues. These include:
- Transport Assessment
  - Flood Risk Assessment and drainage strategy (plans)
  - Travel Plan
  - Statement of community involvement
  - Design and access statement (amended)
  - Ecological Impact appraisal
  - Preliminary Ecology Appraisal
  - Heritage Report
  - Ground Investigation Report
  - Low Carbon Feasibility Study

- 1.13 Following discussions with the applicants and their agents about how the project has evolved, and the clinical requirements, the applicants sought to clarify their design approach and respond to the objections and queries raised during the consultation process. This resulted in design changes to the building and landscape proposals, including the inclusion of additional land to the west to provide a footpath and landscaping. In addition further technical work was undertaken (including negotiation and discussion with Welsh Water) in respect of flood risk and drainage solutions that would inform the detailed technical design work. The applicant also sought to address the concerns and issues in a response document. A period of re-consultation was undertaken upon receipt of the amended plans and additional details.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

#### SS1 - Presumption in Favour of Sustainable Development

For decision-taking, SS1 requires that planning applications that accord with the policies in the Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) be approved, unless material considerations indicate otherwise.

Where policy is silent or out-of-date, the approach to decision-taking is as per paragraph 11 of the NPPF 2018.

Figure 3.1 on p.23-25 records 12 'Core Strategy Objectives'. The second objective under 'social progress' states an objective to improve the health, well-being and quality of life of all residents by ensuring new developments positively contribute towards better access to, provision and use of, *inter alia*, health facilities.

#### SS4 - Movement and Transportation

SS4 requires new development to be *designed* and *located* to minimise the impacts on the transport network and where practicable that development should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport. Development proposals that generate high journey numbers should be in sustainable locations, accessible by means other than the private car.

#### SS6 - Environmental Quality and Local Distinctiveness

Development proposal should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, which includes settlement pattern and heritage assets.

#### SS7 - Addressing Climate Change

At a strategic level this will be achieved by focussing development to the most sustainable locations, but at a detailed level, ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading. Developments must also, *inter alia*, demonstrate water efficiency measures to reduce demand on water resources.



HD2 - Hereford City Centre

This policy sets a vision for the city centre, Within the context of the urban village, reference is made to the identification of opportunities for new commercial, tourism, education (including tertiary facilities), leisure, health, civic and fire and police uses to meet identified need.

HD3 - Hereford Movement

HD3 sets out a range of measures to reduce reliance on the private motor car for short-distance journeys in particular and for improvements to public transport infrastructure enabling improved access and integration between bus and to rail services – a Hereford Transport Hub.

SC1 - Social and Community Facilities

Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should “be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.”

Paragraph 5.1.41 deals with the co-location of services and facilities and is thus pertinent to this proposal. It states as follows:-

*“5.1.41 Co-locating public and community services in shared buildings or on shared sites provides a number of benefits for both the community, as users of the services and for the council and its partners, as providers of services. The population of Herefordshire is forecast to continue to grow, with an ageing population structure and this will put increasing pressure on existing services. At the same time, the current economic climate and competing demands for space and resources means that a different approach towards locating services and facilities may be needed, especially if we want to ensure that infrastructure is provided in the most sustainable and accessible locations in the county. In practice this could mean linking nurseries, schools and colleges; widening the range of health and social care services available at health centres, or by providing education, training or IT services in libraries.”*

MT1 - Traffic Management, Highway Safety and Promoting Active Travel

This policy, in common with several others and a recurring theme within the CS, encourages active travel behaviour to reduce numbers of short distance car journeys and access to services by means other than private motorised transport. All development should be laid out to achieve safe entrance and exit, with appropriate operational space.

LD1 - Landscape and Townscape

Development should demonstrate that character of the landscape and townscape has positively influenced the design of the proposal, with incorporation of new landscape schemes to ensure development integrates appropriately into its surroundings.

LD4 - Historic Environment and Heritage Assets

Development proposals should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.

## SD1 - Sustainable Design and Energy Efficiency

SD1 is a criteria-based policy requiring development proposals to create safe, sustainable, well integrated environments for all. Among other things, development should make efficient use of land and new buildings should be designed to maintain local distinctiveness, while making a positive contribution to the architectural diversity and character of the area. Developments should also utilise physical sustainability measures that include, in particular, orientation of building, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure.

## SD3 - Sustainable Water Management and Water Resources

This policy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance ground water resources and to provide opportunities to enhance biodiversity, health and recreation.

## SD4 - Wastewater Treatment and River Water Quality

In order to support the attainment of river water quality targets for rivers within the county, developments should in the first instance seek to connect to the existing mains wastewater infrastructure network.

## ID1 - Infrastructure Delivery

Although concerned principally with securing developer contributions towards critical infrastructure, ID1 confirms that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach.

## 2.2 NPPF (2018)

The NPPF, revised earlier this year, is a significant material consideration; particularly where relevant CS policies are absent, silent or out of date. That is not the case here, yet as the NPPF post-dates the CS it is necessary to consider the policies of the NPPF in accordance with paragraph 212 i.e. *“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”*

213 confirms that due weight may still be given to CS policies that pre-date the publication of the revised NPPF *“according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

Having regard to the nature of this particular proposal, the following extracts from the revised NPPF are considered particularly pertinent:-

### **2. Achieving sustainable development**

8. b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

## Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>12</sup> for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure)

## 8. Promoting healthy and safe communities

92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

## 16. Conserving and enhancing the historic environment

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### 2.3 National Planning Practice Guidance (NPPG)

Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

*Paragraph: 001 Reference ID: 53-001-20140306*

Local authority planners should consider consulting the Director of Public Health on any planning applications (including at the pre-application stage) that are likely to have a significant impact on the health and wellbeing of the local population or particular groups within it. This would allow them to work together on any necessary mitigation measures. A health impact assessment may be a useful tool to use where there are expected to be significant impacts.

Similarly, the views of the local Clinical Commissioning Group and NHS England should be sought regarding the impact of new development which would have a significant or cumulatively significant effect on health infrastructure and/or the demand for healthcare services.



Information gathered from this engagement should assist local planning authorities consider whether the identified impact(s) should be addressed through a Section 106 obligation or a planning condition. These need to meet the criteria for planning obligations.

Alternatively, local planning authorities may decide the identified need could be funded through the Community Infrastructure Levy.

*Paragraph: 004 Reference ID: 53-004-20140306*

*Revision date: 06 03 2014*

- 2.4 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### **3. Planning History**

- 3.1 None applicable

### **4. Consultation Summary**

#### Statutory Consultations

#### **4.1 Historic England (June 2018)**

The application site lies to the north of the walled city in an area historically occupied by marshland and meadows but encroached upon by medieval suburbs and occupied by the Blackfriars Friary. The Hereford Central Conservation Area extends along Widemarsh Street and Commercial Road towards the application site to incorporate the historic suburbs and the remains of the friary are scheduled. The area around the application site and between it and the city was transformed historically by the construction of the railway, canal, canal wharf and development of associated industries: tanning, leather working, timber milling etc. In the twentieth century the area has been characterised by a legacy of low quality, utilitarian structures and a poor quality townscape that provides a poor quality setting for the heritage assets and contributes negatively to their significance. The area is therefore generally one in which there are opportunities for enhancement of significance and where new development has the potential to make more a positive contribution to local character and distinctiveness in accordance with paragraphs 131 and 137 of the NPPF and to improve the quality of the area and the way it functions in accordance with Section 7 of the NPPF.

In this context, Historic England appreciates the way that the layout has sought to minimise the impact of parking by creating a street frontage but is otherwise disappointed by the quality of the design. The scale of the building is such that it will have a great visual impact on the area. We are therefore disappointed that the layout, massing, articulation and appearance of the building have not been designed to achieve greater architectural interest and quality and we are concerned that this may set the tone for the redevelopment of the area more generally. We do not consider that the application delivers the quality of design required by Section 7 of the NPPF or the requirements of paragraphs 131 and 137 in respect of the conservation area and scheduled monument.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. We would urge you to seek improvements to the design to achieve a higher quality to meet the requirements of the NPPF.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course

#### 4.2 **Historic England (August 2018)**

Our letter of 7 June 2018 raised concerns regarding the layout, massing, articulation and appearance of a building which has the potential to set the tone for the more general redevelopment of the station approach area. The amended plans indicate minor changes to materials and articulation but we remain disappointed that the opportunity the site offers to make a more positive contribution to local character and distinctiveness has not been made more of. We therefore remain concerned that the application does not fully deliver the quality of design required by Section 12 of the (new) NPPF or paragraphs 131 and 200.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

#### 4.3 **Welsh Water (June 2018)**

We have reviewed the information submitted as part of this application with particular focus on drawing number HMC-ONE-XX- XX- DR-A-0002 (P01), HMC-ONE-XX- XX- DR-A-0003 (P01) the PRELIMINARY GROUND INVESTIGATION REPORT and the Flood Risk assessment report reference HER-HYD-PHI-XX-RP-D-5001 S2 PI.

It is currently unclear as to the final drainage arrangement design in order to dispose of foul and surface water from the site. We have held preliminary discussions with the applicant's consultant and it appears unlikely that surface water can re connect to the nearby Widemarsh Brook due to the presence of the new link road, however this has not been confirmed and we encourage further investigations and discussions continue to explore this option further and for a sustainable drainage option introduced.

With regards foul water we can confirm that there is adequate capacity in the public sewerage network to accommodate the foul only flow from the proposed development, however the specific connection point has not yet been agreed. Investigations are ongoing to identify a suitable connection point to avoid the need to connect to the strategically important 1200mm combined sewer.

We acknowledge that the proposed development takes into account the fact that the site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. We are working with the applicant to locate this asset and provide a suitable connection point.

Notwithstanding the above if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

#### **Conditions**

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.

#### 4.4 **Welsh Water (September 2018)**

Recommends the following condition be imposed:

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.

#### 4.5 **Natural England (June 2018)**

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out in their letter:

<https://myaccount.herefordshire.gov.uk/documents?id=7e65857d-67ee-11e8-b141-0050569f00ad>

#### 4.6 **Natural England (August 2018)**

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

#### 4.7 **Network Rail (June 2018)**

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land.

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

Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

## FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

## DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

## GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

## SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

## EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

## NOISE

Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

## LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

## PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

## SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

## Internal Council Consultations

### 4.8 Service Manager Built and Natural Environment comments **Historic Buildings Officer** (May 2018)

#### Recommendations:

Request further information: The principle of the proposals and their massing on the site is acceptable, however it is felt that whilst the building has many positive attributes, it does not take advantage of the opportunity to enhance the setting of the Grade 2 Listed Railway Station or establish a clear sense of place for the site.

Pre-application advice has been given.

Amongst others, we would draw your attention to policies 134 (less than substantial harm to a designated heritage asset), & 64 (design) of the NPPF as well as policies SS6 (Environmental Quality and Local Distinctiveness), LD1 (Townscape) and LD4 (Historic Environment & Heritage Assets). We would draw your attention to section 66 of the Planning (Listed Building and Conservation Areas ) Act 1990 which outlines the requirement for LPA's to pay special regard to

the desirability of preserving the building or its setting. This should be taken into consideration when balancing harm with public benefit.

The principle of a development of this size on the site is not precluded in terms of heritage grounds, however it is felt that there is an opportunity to better address the space formed to the front of the station, the sequence of approach and arrival to the station and its setting and also the response of the design of the building to local distinctiveness.

We would recommend that in accordance with the Historic England Urban Panel report recommendations and the suggestion of NPPF policy 62 that the MADE design review panel is consulted over the proposals.

#### Policy background:

- NPPF 60: LPA's should seek to promote or reinforce local distinctiveness.
- NPPF 61: Planning decisions should address the... .. integration of new development into the natural, built and historic environment.
- NPPF 62: Where appropriate Major projects should be referred to a design review panel.
- NPPF 64: LPA's should refuse permission for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- NPPF 131: LPA's should take account of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. We would draw your attention to section 66 of the Planning (Listed Building and Conservation Areas ) Act 1990 which outlines the requirement for LPA's to pay special regard to the desirability of preserving the building or its setting. This should be taken into consideration when balancing harm with public benefit.
- NPPF 137: LPA's should look for opportunities... .. within the setting of heritage assets to enhance or better reveal their significance.
- CS policy SS6 Environmental Quality and Local Distinctiveness: Development proposals should conserve and enhance townscape and local distinctiveness and the historic environment and heritage assets.
- CS policy LD1 Landscape & Townscape: Development proposals should demonstrate that the character of the... .. townscape has positively influence the design, scale, nature and site selection
- CS policy LD4 Historic Environment & Heritage Assets: Development proposals should protect, conserve and where possible enhance heritage assets and their setting and contribute to the character and local distinctiveness of the townscape.

#### Background to Recommendations

To the NE of the site lies Hereford Barrs Court Railway Station, dating from 1855 and listed at Grade 2. This forms the principal approach into Hereford by train. Reference is made within the recent Historic England Urban Panel report into the opportunity for a coherent route from the Railway Station into Hereford and the opportunities for new development to protect or enhance the setting of the building.

Historically this was an area of timber merchants and other trades adjacent to the Canal Basin

Pre-application advice has been provided ref 174600, it was outlined that a heritage and site analysis should take place prior and be used as a tool to inform the design of the building on the

site. It was suggested that further design development was required in order to better respond to the opportunities presented for enhancing the setting of the Railway Station and responding to local distinctiveness. It was suggested that a design review panel help advise on the design of the building.

### Comments

The architectural approach is one of a series of elements, with a centrally emphasised entrance lobby, with tree planting to act as solar shading and as a privacy screen. The corners are defined by brick layers with cladding panels above. It is felt that the idea of defining of the entrance is a positive aspect of the scheme.

There is greater potential for the building to respond to the Station building, in particular the space that the new building would create in front of it. This is the main point of arrival to Hereford and this experience is a key part of the setting of the listed building. The current response to the listed building is to use a similar colour brick, it is felt that whilst colour and materiality could be part of a successful design, at present the design isn't resolved enough to meet the opportunities presented by the site and the context of the listed building and the use of matching brick is not a strong enough architectural approach to context. The design approach is perhaps one which relates more to the current low density layout and out of town feel of the site rather than it being very much within the confines of the City proper. There is the option of using clues from the history of the site, or wider context of the City in the architectural idea behind the design, the layout of the site and materiality/colour. The key thing to consider is that the building should help to define the sense of place, reinforcing local distinctiveness by responding to the character of the city or creating a high quality building which defines its own sense of place.

#### 4.9 Service Manager Built and Natural Environment comments **Historic Buildings Officer** (August 2018)

It is felt that the proposals would lead to less than substantial harm (para 196) and that this harm should be weighed against the benefits of the proposals.

We note the revised proposals; however we would still maintain concern over the design of the proposals and the potential to impact the setting of the listed railway station.

It is felt that there is an opportunity for the design of the proposals to respond to local character and to improve the character and quality of the area. As such it is felt that the proposals do not meet the requirements of policy 130 of the NPPF.

The proposed building is of an appropriate scale for the location, however there is an opportunity for the use of articulation, materiality and architectural language of the building to give legibility to the site and not only respond to the character and distinctiveness of Hereford but also to create a sense of identity in the area around the station approach. The station is a key point of arrival for visitors and as such the experience of the station forecourt is a key aspect of its setting which contributes to its significance.

Within the Core Strategy there is a clear expectation that development should demonstrate that the character of the townscape has positively influenced the design of the building (LD1) and protect and where possible enhance the setting of heritage assets (LD4).

#### 4.10 Service Manager Built and Natural Environment comments: **Landscape Officer** (May 2018)

The application is for the proposed development of a new health centre with associated parking and landscaping on land fronting onto the city link road. Given that the site relates very much to the townscape of Hereford I will defer to the Heritage Buildings Officer who has written detailed

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

comments on the design and layout. I do however wish to raise a number of points some of which concur with representations already made and some of which I would simply raise for consideration:

- Sense of place – Given that the route of the link road is the subject of regeneration, creating a sense of place is a key consideration, the existing context is always a good starting point and the railway building appears to be a missed opportunity.
- Massing of the building – Whilst I recognise there may be cost implications which are prohibitive to this, I have concerns with regard the massive of this building; I would prefer to see blocks of varying mass, with linkages in between that provide access to open space. This could aid with legibility within the building. Externally it would reduce the sense of the overall scale of the built form and could potentially retain the importance of the railway station as a focal point.
- Connectivity – Having seen the visualisation of the proposed view from the city link road, showing the transport hub with the open space frontage it seems logical that there should be a pedestrian/cycle link that continues from public transport through the avenue of trees to the medical centre, rather than pedestrians being pushed out to the road frontage in order to gain access to the building.
- Accessing open space - In terms of the external space surrounding the building, the plans currently show it as being dominated by parking, which is a missed opportunity. Pocket spaces could be defined to provide informal seating areas for users; the health and well being benefits of external spaces being well reported.

4.11 Service Manager Built and Natural Environment comments:  
**Landscape Officer** (Sept 2018)

I have seen the amended plans of the external layout and I understand from the case officer that a meeting has taken place with the case officer and the landscape architect engaged to draw up the plans. I understand there is a requirement to provide a secure parking area for staff and this is the rationale behind the 1.8m weldmesh fence, from a landscape perspective I can only reiterate the desire for good connectivity between the transport hub and the centre. If a separate zone could be secured within the external space that would be preferable. Equally whilst I recognise the need for maximising the number of parking spaces, tree planting is desirable to create a street scene and avoid a barren expanse of tarmac.

4.12 Service Manager Built and Natural Environment comments:  
**Ecology Comments** (June 2018)

Thank you for consulting me on this application. The site has been the subject of a number of associated planning applications relating to the A49 to A465 link road and the potential impacts on the Widemarsh Brook evaluated within those applications in an HRA assessment. The construction of this facility would not present any significant effect on the R. Wye via the brook which cannot be managed through a Construction Environmental Management Plan for the proposal. This can be made a condition of the development.

The ecological appraisal and the ecology impact analysis submitted as reports in support of the application do not raise concerns over and above this; existing surface water management control has a capacity integral to the site and should present no additional issues. I would agree that the recommendations for the development present a small net gain to the site if enhancement measures are adopted mainly for nesting birds (notably swifts) and for landscaping.



To fulfil these requirements, I would advise the following non-standard conditions are applied to any approval:

Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process. The Plan shall be implemented as approved.

Reasons:

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

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

AND

The recommendations for species and habitat enhancements set out in the Preliminary Ecological Assessment report and the Ecological Impact Assessment from Countryside Consultants both dated March 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. An ecological enhancement integrated with the landscape plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reasons:

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

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

4.13 Service Manager Built and Natural Environment comments:  
**Ecology Comments** (August 2018)

I do not think the amendments affect my original comments and request for non-standard conditions.

4.14 Environmental Health Officer Comments:  
**(Contaminated Land and human health)**

"Hereford Care Hub, Hereford, HR1 1BB. Preliminary Ground Investigation Report." Contract 21841 and dated January 2018. Prepared by Ian Farmer Associates.

The report cited above recommends further phases of investigation. These include gas/vapour monitoring of the infilled canal basin where which forms part of the development. The results of

this will likely inform a significant part of mitigation and as such, we'd recommend they be carried out in accordance with the most appropriate Standards and Guidance.

Condition is recommended (as per recommendations below)

4.15 Environmental Health Officer Comments:  
**(Noise and nuisance)**

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

4.16 **Transportation Manager (Sept 2018)**

**BACKGROUND INFORMATION**

**Pre-Application Advice:-**

Highways pre-application advice (application reference: 174600) was provided throughout February and March 2017, via a number of written responses and meetings with the Applicant's transport consultants. Pre-application advice provided by the LHA is summarised below:

- The proposed scope of the supporting Transport Assessment was generally acceptable, in terms of basis and methodology of the traffic impact assessment.
- The proposed level of car parking onsite was an issue, particularly as the level of provision proposed is less than 50% of HCC's maximum parking standards. It was requested that supportive information be provided to demonstrate the availability of spaces in publicly available car parks, within the vicinity of the site.
- Disabled car parking spaces in line with HCC parking standards, as well as a dedicated ambulance parking bay and more accessible spaces i.e. parent/child spaces should ideally be included.
- As the proposals will result in the relocation of existing surgeries, the location, coverage and travel modes of existing staff/patients should be provided.

**The Site:-**

The site covers an area of approximately 0.47 hectares and is located to the northeast of Hereford city centre within a predominantly commercial / industrial setting and forms part of the wider Edgar Street Grid (ESG) masterplan area. The application site is bound by an unnamed service road to the north, Hereford railway station to the east, the newly-constructed Hereford City Link Road (HCLR) to the south and existing brownfield land which will form part of the ESG to the west. It is noted that with the exception of the HCLR, there are no other development works evident on site.

The application site is currently served by a partially completed spur road, via a priority T-junction from the HCLR which accommodates a right-turn lane facility. The priority T-junction from the HCLR is newly-constructed and designed to standard. There are existing double yellow lines parking restrictions provided along the HCLR.

It is noted that the HCLR was specifically constructed to alleviate existing city centre congestion and open up land for the development of the ESG masterplan, although proposals for a Primary Care Hub (PCH) were not included in the original development proposals. The HCLR officially opened for use in December 2017.

**General Observations:-**

A Transport Assessment (TA) and Framework Travel Plan (FTP) have been prepared by Aecom to support the planning application. Following review of the report and supporting documents, the LHA is generally supportive of the proposals and finds the traffic impact assessment of the scheme acceptable. Further information regarding drop-off and pick-up

parking provision, vehicular access arrangements, a Full Travel Plan and a Car Park Management Plan will be required, prior to any development on site, to conform with the requirements of Herefordshire Local Plan Core Strategy Policy MT1: Traffic Management, Safety and Active Travel etc. in demonstrating safe and appropriate access and parking arrangements and promoting sustainable travel choices.

**Accessibility:-**

The site has a good level of accessibility and is within acceptable walking distance of both Hereford railway station and bus station. The HCLR also accommodates a shared footway/cycleway along the northern side of the carriageway and an existing footway along the southern side of the carriageway, which are of good standard. Footways are lit and dropped kerbs and tactile paving is available at crossing points. Based on the availability of existing infrastructure, it would be reasonable to assume that some staff could travel to the site by sustainable modes of travel.

However, there is still a concern that the majority of patients would travel to the site by car. It is noted that the proposed new health centre could provide care for patients who reside in more rural areas (as well as in Hereford city), where public transport accessibility would be less frequent. It is also noted that Herefordshire county has a higher than average retired / elderly population who may not be able to drive and would need to rely on family / friends for drop-off or pick-up.

Information on the proposed patient catchment area for the proposed new health care centre is required, along with a more detailed bus and cycle accessibility and connectivity assessment to demonstrate public transport and cycle opportunities to the site. Proposed rural catchment areas should be cross-referenced with available public transport provision. This level of detail should be provided in a Full Travel Plan, prior to any development on site to demonstrate accessibility of the site to future staff and patients. This should be conditioned.

Car parking availability, including provision of drop-off / pick-up facilities, has been discussed further below.

**Development Proposals:-**

The proposals are for a new Use Class D1 Primary Care Hub (PCH) with a 2,600sqm GFA and an ancillary Use Class A1 pharmacy with a 140sqm GFA. The PCH will effectively accommodate 48 various consulting and treatment rooms.

The proposed opening hours are stated in the TA as 08:00 – 20:00 Monday to Sunday, with an ‘Out of Office 24-hour/7-day’ service also available.

The proposed PCH will effectively result in the relocation of four existing practices in Hereford, which currently serve 35,000 patients. Figure 2.0 of the TA illustrates the proximity of the existing surgeries in relation to the site. Table 1 below summarises the approximate walking distances from existing surgeries to the proposed PCH site.

Surgery	Distance (metres)	Walking Distance (mins)
Aylestone Hill Surgery	550	7
Moorfield House Surgery	1,000	12
Sarum House Surgery	1,400	16
Greyfriars Surgery	1,500	19

As demonstrated, the relocation of existing surgeries could result in an increased journey time for staff and patients by up to 19 minutes (walking distance). The LHA has concerns that this may lead to more private car use, particularly by patients. As stated in the pre-application advice, coverage and travel modes of existing staff / patients should be provided to better understand existing modal split, distances travelled and provide justification for the proposed

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

level of car parking provision. This baseline information could be collated by undertaking baseline travel surveys which could also support the Full Travel Plan.

The TA also makes reference to the proposed PCH serving a population of 80,000 residents in the county. A patient catchment area plan should be provided to clarify maximum travel distances for both future staff and patients to the site and be included in a Full Travel Plan. This should be conditioned.

The TA confirms that the PCH would employ 84 staff on a daily basis, which is assumed to equate to 70 Full-Time Equivalent (FTE) staff, as indicated on the Application Form. No clarification is provided as to how many existing staff would relocate to work at the PCH and whether any new staff would be employed. A subsequent Full Travel Plan should clarify the expected number of existing and new staff and approximate shift start / end times to indicate the arrival and departure time of staff and cross-reference this with available public transport services to the site. This should be conditioned.

#### **Access Arrangements:-**

The proposed PCH will be served via the existing partially-completed spur road, from an existing priority T-junction with the HCLR. The formation of the access will require extension of the existing 'spur'. It is noted that roads will not be adopted by the LHA and therefore a Section 278 or 38 Agreement would not be required.

Access drawings HMC-ONE-XXX-ZZZ-DR-C-003(P04, 30 (P03), 50 (P04)

From the drawing the extended entrance will require a TRO to prevent parking at the entrance; this will need to be funded by the developer.

It is noted that the proposed access to the PCH will be barrier-controlled; however no details are provided as to how this will operate. The LHA has concerns that a barrier-controlled access could result in queueing and delay at the access which could back onto the HCLR, especially when considering peak usage times associated with the PCH (the trip generation assessment estimates that there could be up to four vehicular trips per minute in the busiest hour).

Further information is required on the proposed operation of the barrier-controlled access (e.g. ticketing, pay-on-exit etc.) and how movements at the access will be managed effectively, particularly for short-stay and pick-up/drop-off. This information is required prior to any approval.

Refuse vehicles would not need to enter the site to service the PCH and a proposed bin store is located to the north of the site access. A swept path assessment has been provided to demonstrate that a refuse vehicle is able to access and egress onto the HCLR in a forward gear. This is considered acceptable. A TRO to introduce double yellow lines within the vicinity of the access is required as stated above, to keep the turning area clear, discourage parking and ensure the access remains unobstructed.

A footpath is proposed to access the cycle parking and the site, this needs to be 3m wide.

#### **Parking Provision:-**

It is acknowledged that the existing Herefordshire Highway Design Guide for New Development (2006) sets out the maximum parking standards for the respective proposed uses on site. As summarised at Table 5 of the TA, based on maximum parking standards, a total 178 spaces may be provided on site.

The proposals accommodate a total 83 standard car parking spaces and nine disabled car parking spaces. One dedicated ambulance parking bay is also provided on site. Parking provision was noted as a contentious issue during the pre-application stages and it is

understood that supporting information on car parking availability within surrounding public car parks was requested to justify the level of parking proposed on site.

Figure 5 of the TA illustrates nearby city centre car parks within walking distance of the site. Whilst the location of nearby car parks is accepted, it is noted that no information is provided on existing car parking availability. HCC Parking Services may be able to provide this information. A detailed analysis of existing car parking availability at peak usage times should be provided in any subsequent Car Park Management Strategy. This should be conditioned.

The Car Park Management Strategy should be based on best practice as set out in the Department for Health’s “Heath Technical Memorandum 07-03 NHS Car Parking Management: Environment and Sustainability” and tie-in with the Full Travel Plan. The submitted Full Travel Plan should provide details on the types of site-specific measures which will be implemented to manage car parking, particularly as the total number of standard car parking spaces is effectively equivalent to the expected daily number of employees. This should be conditioned.

Paragraph 4.31 of the TA also refers to the provision of staff and patient cycle parking spaces. A total eight Sheffield-type stands, able to accommodate up to 16 bicycles, are provided at the front of the building, presumably for patient-use. A total six Sheffield-type stands, able to accommodate up to 12 bicycles, are provided to the rear of the building for staff. It is also noted that these cycle parking spaces aren’t overlooked. All cycle parking spaces should be covered and secured. This should be conditioned.

The subsequent Full Travel Plan should also include details on additional cycle facilities proposed for staff to encourage sustainable travel to the site including showers, changing facilities and lockers. This should be conditioned.

**Traffic Generation:-**

Vehicular trip rates have been calculated using the TRICS database for the proposed 2,600sqm GFA PCH. The trip generation predicts that the proposed PCH will be busiest outside of standard network peak periods, from 09:00 to 10:00 in the AM peak period and 15:00 to 16:00 in the PM peak period. The resultant trip rates during standard network peak periods and peak usage at the PCH have been summarised at Table 2.

Time Period	Trip Rate (100sqm GFA)			Trips (2,600sqm GFA)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
<b>08:00 to 09:00</b>	<b>3.69</b>	<b>1.298</b>	<b>4.988</b>	<b>96</b>	<b>34</b>	<b>130</b>
09:00 to 10:00	4.578	3.758	8.336	119	98	217
15:00 to 16:00	3.861	3.895	7.756	100	101	201
<b>17:00 to 18:00</b>	<b>1.845</b>	<b>2.904</b>	<b>4.749</b>	<b>48</b>	<b>76</b>	<b>124</b>

During standard network peak periods, the proposed PCH could be associated with up to 130 total two-way trips during the busiest AM peak period from 08:00 to 09:00. This roughly equates to two vehicles every minute during the busiest standard network peak period.

During the busiest peak periods associated with the proposed PCH over the course of a day, up to 217 total two-way trips could be generated by the PCH from 09:00 to 10:00. This roughly equates to a maximum four vehicles every minute, during the busiest morning period.

It is noted that the TRICS assessment provides an indication of vehicular trips only and no multi-modal trip assessment has been provided.

The resultant vehicular trip rates have been compared to the previously proposed uses on site, as part of the ESG masterplan (a divisional Police HQ and DIY store). Trip rates for the Police HQ and DIY store have been extracted from the TA submitted to support the HCLR. Estimated trip generation for the two previously proposed uses is summarised at Table 13, however it is

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

not clear what assumptions have been made in regard to GFA to calculate these. This should be clarified prior to any approval.

It is noted that a TRICS assessment has not been provided for the proposed pharmacy. As the pharmacy will be provided as an ancillary facility in conjunction with the PCH, this is considered acceptable.

Traffic has been distributed onto the network using a 50-50, 60-40, 70-30 split of east and westbound development traffic on the HCLR. Background traffic for a future year 2026 has been extracted from a previous TA which supported the HCLR proposals. The above approach is considered acceptable, as confirmed at pre-application stages.

#### **Capacity Assessments:-**

The TA has assessed the existing priority T-junction which will serve the site access, from the HCLR. The assessment models three scenarios based on a 50-50, 60-40, and 70-30 split of east and westbound development traffic on the HCLR. Background traffic for a future year 2026 has been extracted from a previous TA which supported the HCLR proposals. The above approach is considered acceptable, as confirmed as pre-application stages.

It is accepted that as the HCLR only opened in December 2017, existing vehicular flows and classifications could not be obtained. Therefore, the HGV percentages have been set at a default rate of 10 percent. The approach provides a robust assessment and is considered acceptable, as confirmed as pre-application stages.

The Junctions8 output reports confirm that based on a worst-case 50-50 directional split, the priority T-junction would continue to operate within theoretical capacity with a maximum RFC of 0.32 in the PM peak period and no queueing.

#### **Framework Travel Plan:-**

A skeletal Framework Travel Plan has been prepared in conjunction with the Transport Assessment. As the proposal would result in the relocation of existing sites, not all end users are unknown and an Interim Travel Plan would have been more suitable.

Whilst the Travel Plan makes reference to SMART targets, it is also noted that no real modal shift targets have been provided within the Travel Plan. As stated in the pre-application advice, baseline travel surveys should be undertaken to ascertain the existing modal split of staff / patients at existing surgeries. This would allow for a more site-specific Travel Plan to be prepared which would be tailored to the development and inform any modal shift targets. This level of detail should be provided in any subsequent Full Travel Plan. This should be conditioned.

For completeness, the anticipated modal split of staff (full-time / part-time) should also be provided as well as details on anticipated shift start and end times. This should be conditioned.

The indicative measures outlined within the Travel Plan are broadly acceptable; however the LHA reiterates its concerns regarding potential increases in private car use, as a result of the relocation of existing surgeries. More substantial measures should be implemented on site which would be better suited to a central facility. Considering the site's location and proximity to existing public transport facilities and the future Transport Hub, the development should consider provision of a Real-Time Information display to maximise opportunities for sustainable travel by public transport. This should be conditioned.

Showers, changing facilities and lockers should also be provided for staff, to encourage cycle trips to work, and this should be included in any revised Travel Plan. This should be conditioned.

### **Construction Traffic Management Plan:-**

It is noted that a Construction Traffic Management Plan has not been provided to support the application. If minded for approval, a CTMP would need to be prepared and approved by Highways prior to the commencement of development on site and should be conditioned if minded for approval.

This should include but not be limited to:

- demolition / construction programme;
- risk assessment;
- volume, type and nature of vehicles accessing the site;
- impact of demolition / construction traffic on the surrounding local highway network for network peak hours;
- provision for construction staff car parking;

### **COMMENTS:-**

Proposal is unacceptable and the following additional information / clarifications are required prior to Approval:

- i. Details on how patient drop-off / pick-up arrangements will be accommodated within the site and how this will be managed to ensure the access remains unobstructed;
- ii. Details on the proposed operation of the barrier-controlled site access (e.g. ticket operation, pay-on-exit etc.);
- iii. Clarification on the Police HQ / DIY store trip comparison exercise and assumptions; and
- iv. Introduction of a TRO (double yellow lines) to discourage any drop-off parking within the vicinity of the access.

Subject to points i) to iv) as above being satisfactorily met, the following conditions should be provided: (see recommendations below)

## **4.17 Land Drainage**

### **Surface Water Drainage (Sept 2018)**

The proposals are to dispose of the surface water runoff into the existing Welsh Water combined system. Welsh Water have stated the following (4th June 2018): *'it appears unlikely that surface water can reconnect to the nearby Widemarsh Brook due to the presence of the new link road, however this has not been confirmed and we encourage further investigations and discussions continue to explore this option further and for a sustainable drainage option introduced'*.

We can confirm that the above options are not viable. Further discussions should be held with Welsh Water to establish the discharge rate into the combined sewer.

The Applicant has provided MicroDrainage calculations to demonstrate that the Brownfield runoff rate is 55.6l/s. The proposed flow will be controlled to 20l/s – this should be confirmed by Welsh Water.

An attenuation tank of 14.4m x 12.5m x 0.5m attenuation tank will be provided before the flow control and connection at a new demarcation manhole in the lower northeast of the site at the end of an existing 1200mm diameter combined transfer sewer in the network rail land north of the site. It is assumed that it will be acceptable to discharge run-off from the spine road to the link road highways drainage at an un-attenuated rate.

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

The attenuation tank may need to be redesigned in line with the discharge rate agreed with Welsh Water. This should be confirmed and amended as necessary.

Appendix D mentions the following which does not seem to have been provided:

- 20180306 P0532 MicroDrainage Greenfield Runoff
- 20180625 P0518 100 year + 40% cc, 20l/s storage

### **Foul Water Drainage**

Welsh Water have stated that there is adequate capacity in the public sewerage network to accommodate the foul only flow.

### **Overall Comment**

In principle we do not object to the proposals. The Applicant must have further discussions with Welsh Water to establish an acceptable surface water runoff rate. It may be necessary to re-design the attenuation tank. The above mentioned information (MicroDrainage submissions) should be provided.

**Additional information answering the queries raised above was sent to Land Drainage who then responded as follows:**

Thank you for passing on the information in the previous email.

I have reviewed all the updated information and comments from Welsh Water. We can now confirm that the proposals are acceptable.

## **5. Representations**

### **5.1 Hereford City Council (June 2018)**

In principle, Councillors from Hereford City Council Planning Committee approve of Planning Application 181583, however, Councillors felt that more information on parking is needed to make a full assessment of the proposed works. Councillors would also like to know details regarding public transport links, and whether the proposed new building will be served by buses and taxis.

### **5.2 Hereford City Council (August 2018)**

No objection from Hereford City Council Planning Committee

### **5.3 Hereford Civic Society (May 2018)**

Referring to the pre-app comments –  
10.0 Appendix A - Pre Application Comments & Response there doesn't appear to be anything from you - just conservation?

At HCS we are intrigued by the frontage onto the Link Road, which is supposed to be a distributor Road rather than an active walking street is it not? Downgraded Newmarket Street - when is that due to happen?- was supposed to be a boulevard with shops spilling out from the Old Market - appreciate that hasn't happened but we are confused as to the status and style of the Link Road and what you are hoping to achieve.



Secondly we keep hearing about revision to parking in Hereford and clearly it would be daft to have loads of parking at the GP facility if there is to be a public multi-storey carpark nearby? Certainly it would be unwise to let this application proceed before HC has decided on its City wide parking policy.

#### 5.4 Hereford Civic Society (June 2018)

Further to my previous objection I would like to add on behalf of the HCS further concern about the car parking and the extent of the land covering the application.

##### HCS Statement on Proposed GP Centre

This planning application includes a car park for more than one hundred cars. Even with usual "out of hours" working it is likely that the parking will not be fully utilized during the evenings. This appears to fly in the face of the often talked about intention to have a series of major car parks on the periphery of the City and to move to close the many small carparks which encourage City centre car travel. Until we have the Hereford Area Plan (HAP) in place and some definite policies we will see more surface car parking ruining the ESG area and the Council sites currently for sale. This policy was first agreed in October 2008 – Hereford City Centre Regeneration Strategy – A 10 year ambition. Aim 2ii – "Parking in the City will be focused on key sites, that are well signed....."

Hereford Civic Society would like to see a halt to the granting of consent for further private car parking on the basis that the HAP has developing plans, well advanced, that will prevent the creation of private carparks in the future. As a developing policy this would be sufficient to reject objections from developers.

#### 5.5 Rail and Bus for Herefordshire

We are familiar with Herefordshire Council's Local Transport Plan which commits the Council to deliver a Transport Hub adjacent to Hereford railway station. For a number of very good reasons the LTP also commits the Council to promote the use of public transport over private car within Hereford City.

We therefore object to the detail of the above application for a Health Centre on Station Approach because no effort has been made to integrate it with the proposed Transport Hub. A new core facility such as this should be designed to maximise its accessibility to those using public and active transport modes.

To this end we would urge that the following modifications be made to the application:

- Move the building South Eastwards within the site, so that it may more readily be integrated with the Hub
- Move room GF14 'retail facility' from the NW to the SE end of the building
- Provide a refreshment facility (similar to that at County Hospital) including displays giving real time information on buses and trains

Provide adequate toilet facilities (accessed from within the retail/refreshment facility) available to users of the Hub

We note that as shown the retail facility has no internal connection with the rest of the building, so no security issues would be raised by its joint use. The timber hit-and-miss enclosure would need to be relocated, perhaps to the North side.

There is surely an opportunity here to improve the lot of all Health Centre and Transport Hub users. We would entreat those charged with delivering these two projects to cooperate to deliver the full potential of their integration

5.6 3 Letters of objection have also been received from:

- Mr Hayes - <https://myaccount.herefordshire.gov.uk/documents?id=819b6dd2-6fc5-11e8-b537-0050569f00ae>
- Mr Jones - <https://myaccount.herefordshire.gov.uk/documents?id=362ceed5-6e3e-11e8-b537-0050569f00ae>
- Mr Milln - <https://myaccount.herefordshire.gov.uk/documents?id=39598fff-63fc-11e8-b537-0050569f00ae>

These letters can be summarised as follows:

### 5.7 *Design and Appearance*

- Bland Design that does not enhance the appearance of the townscape
- Roofline not consistent (flat)
- Suggested curved rooflines
- Note pre-app advice from officers
- The idea of a combined health centre or 'super-surgery' is a good one but it must be in the right place and of first class design. The GP's Commissioning Group is encouraged in the endeavour, but sadly this design and this site is not supported.
- Inappropriate cladding materials. For no discernible reason, the vertical faces of the linked twin structures are shown as being clad in pink, blue and grey brickwork. A single brick colour (similar to the bricks used on the retaining walls of the nearby sorting office and the supermarket) would have been far more appropriate. If the designers of the proposed building had visited the selected site, they could hardly have failed to observe the Victorian architect's thoughtful detailing on the station's principle facade of local red brick (complemented by the sandstone dressings of the 'gothic' windows). I am not suggesting that the proposed Super Surgery should be a pastiche of its 19<sup>th</sup> century neighbour; but the design should show slightly more respect!

#### *Heritage and Townscape*

- Detrimental to the view of the Grade 2 listed Victorian railway station
- Does not enhance the townscape and its appearance – contrary to policies LD1 and LD4 / Not demonstrated that townscape has positively influence the design, scale, nature and site selection.
- No reference to the urban panel review findings about public realm and arrival at the station
- The design offered is unsatisfactory architecturally. It fails to recognise anything of its context in terms of its design, distinctiveness, scale or materials as expected by relevant National Planning Policy Framework (NPPF) policies 60 and 61. It would not seem to have had the benefit of independent scrutiny and advice from the MADE (W Mids) Design Review Panel (NPPF 62). It is a 'slabby' any town offering of cladding panels, glass sheet and curtain wall brickwork, an unhappy reminder of the products of 20th century PFI procurement culture, contemptuous of the excellent listed railway station next door.
- The 'heritage statement' from Headland Archaeology fails to observe the site of the canal basin merchant's yard, though this was already well known
- Architectural Heritage Overall; the siting of this Super Surgery shows scant respect for the city's 165-year old railway station. After Hereford Cathedral, this is probably the city's most prized listed building. It is one of the 100 stations selected by the distinguished architectural writer Simon Jenkins for inclusion in his recent survey Britain's Best Railway Stations.

## *Travel/Location*

- The proposal lacks a travel plan capable of delivering truly sustainable options for means of access in line with national policy for major new developments.
- Access is assumed to be chiefly by private motor car.
- Opportunities for encouraging access for pedestrians and cyclists have not been adequately demonstrated;
- Some of the claims made are spurious or even inaccurate. For example the FTP claims at 4.8 that 'much of Hereford City Centre is accessible within a 10 minute walk of the site', but its own isochrone map (fig 1) shows that none of it is, with much of it being within the 20-30 minute zone.
- Framework travel Plan claims in section 4.14 a 'high standard for cycling facilities associated with the Hereford City Link Road (HCLR), segregated from general traffic'. In fact there is no segregation for cyclists on the S side (W bound) of the HCLR and for the E bound cyclists share the pavement and even this is interrupted at numerous points by side roads.
- A small cycle shelter shown on the plans, yet these are marooned by swathes of car parking and isolated by the HCLR on one side and railway infrastructure on the other. The HCLR provides an intimidating environment for cyclists and pedestrians, given the lack of designated cycle lanes and safe crossings.
- Unfortunately the proposed scheme is let down not only for being a poor design but by being proposed for the wrong site. A far better site would be that currently occupied by the County coach and bus station on Union Walk. The error over the choice of site is not the applicant's but Herefordshire Council's for its failure to work to a strategic Masterplan which demonstrates an intelligent integrated approach for future development of the City as urged by Historic England. [esigncouncil.org.uk/sites/default/files/asset/document/futurehealth-full\\_1.pdf](https://esigncouncil.org.uk/sites/default/files/asset/document/futurehealth-full_1.pdf)
- Land sale already agreed so public consultation was window dressing
- There are numerous brownfield sites lining the Link Road which are equally well suited for the location of this new medical care building. But there is no other location close to Hereford Station where a Transport Hub could be sited.

5.8 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=181583&search=181583](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181583&search=181583)

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**

### *Policy context and Principle of Development*

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 are relevant and will be explored below. 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 policies of the CS will be approved, unless material considerations indicate otherwise.

- 6.3 A medical hub would be considered a community facility and as such policy SC1 of the Herefordshire Local Plan – Core Strategy is also relevant. This policy is supportive of proposals that enhance provision of such community facilities in locations that “*are in or close to settlement and safely accessible by foot, by cycle and public transport.*”
- 6.4 There has been a period of community engagement, documented within the statement of community involvement. Feedback has been generally positive and can be seen at: <https://myaccount.herefordshire.gov.uk/documents?id=47f112c7-5831-11e8-a658-0050569f00ad>
- 6.5 There are clear benefits to a modern, purpose built facility for both patients and staff that will support the current and future needs and community health and well being. This is a key element of the social objectives of the NPPF (2018) in achieving sustainable development.

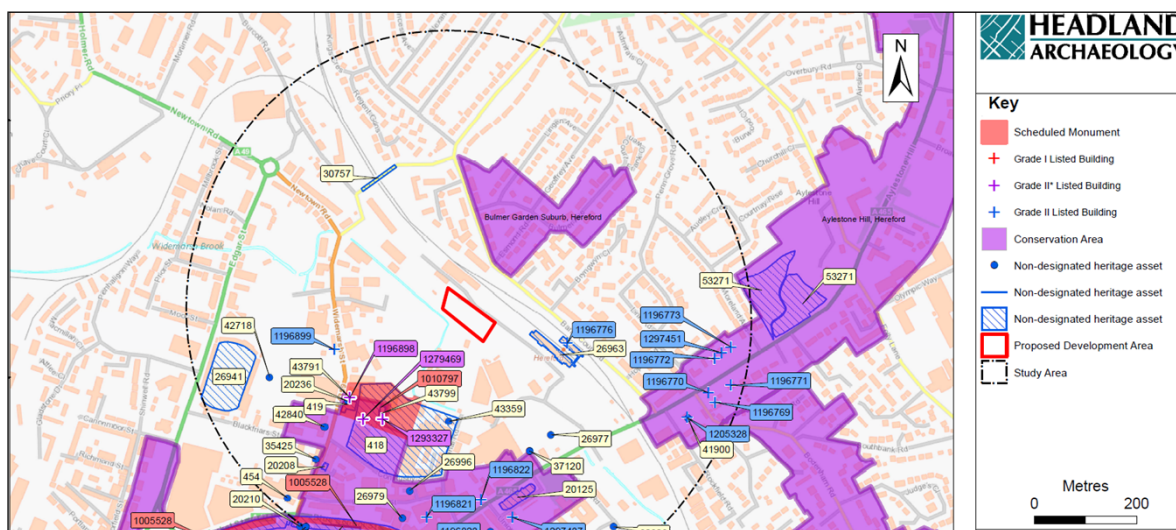
### ***Accessibility***

- 6.6 As detailed above, Core Strategy policies SS4 and MT1 encourage active travel behaviour to reduce the number of short distance car journeys and access to services by means other than private motorised transport. All development should be laid out to achieve safe entrance and exit, with appropriate operational space.
- 6.7 This sites location is located adjacent to the city centre, and does offer the opportunity for good accessibility. The application submission has explored the sites location detailing the pedestrian routes and connectivity of the site to the public transport hubs within the city. It is considered that the pedestrian facilities in the vicinity of the site, connecting the site to Hereford City Centre, are of a high quality and provide safe and direct connections to local public transport links, facilities and services in the area.
- 6.8 However, there is recognition within the documentation that many visitors will make visits to the medical hub by car (as many attending existing surgeries already do). As such, the plans have included parking provision for patients, including drop off and pick up area.
- 6.9 The Transportation Manager has raised some additional ‘operational’ queries in respect of the management of the car park, which relate expressly to concern about the potential for traffic queuing / waiting or stopping on the city link road due to delays entering the site, or from those setting down or collecting not wishing to enter the car park itself. The applicant is currently seeking to address these operational points, which revolve around the deployment of a barrier to car park entry. Officers consider that these matters can be resolved through conditions.
- 6.10 The scheme responds to CS Policy MT1 by also taking the opportunity to improve the connectivity between the station (Future transport hub) and Station Approach (City Link Road) by providing a pedestrian link to the east parallel to the eastern boundary of the Medical Hub, benefitting not only users of the Medical Hub, but the wider public. It is acknowledged, as per the responses summarised above, that there would be potential advantage in the respective medical and transport hubs being planned and delivered jointly and simultaneously, but that has not been possible. Officers nonetheless consider it would be unreasonable to delay delivery of the medical hub pending an outcome of the various design stages associated with the transport hub.
- 6.11 Subject to compliance with conditions suggested below, the scheme complies with CS Policy MT1.

### ***Heritage and design***

- 6.12 The application is supported with a Heritage Statement that identifies the designated and non designated heritage assets within a wider study area. This study can be read online at: <https://myaccount.herefordshire.gov.uk/documents?id=7cc66833-582b-11e8-a658-0050569f00ad>.

- 6.13 As can be seen on the extract plan below, the application site does not lie within a Conservation Area. There is however a number of Listed Buildings within the vicinity including the Grade II listed railway station to the north east of the application site. The closest Scheduled Ancient Monument to the proposed development is Blackfriars Friary to the south west and this is referred to in the advice from Historic England.



- 6.14 As can be seen in the consultation response above, Historic England describes the former character of the area and how it has evolved; stating *“there are opportunities for enhancement of significance and where new development has the potential to make more a positive contribution to local character and distinctiveness and to improve the quality of the area and the way it functions.”*

- 6.15 Historic England comments focus on the design and quality of the building, concluding that they *“raised concerns regarding the layout, massing, articulation and appearance of a building which has the potential to set the tone for the more general redevelopment of the station approach area. The amended plans indicate minor changes to materials and articulation but we remain disappointed that the opportunity the site offers to make a more positive contribution to local character and distinctiveness has not been made more of. We therefore remain concerned that the application does not fully deliver the quality of design required by Section 12 of the (new) NPPF or paragraphs 131 and 200.”*

- 6.16 NPPF (2018) Paragraph 131 states:

*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

NPPF (2018) Paragraph 200 states:

*Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

- 6.17 The Council’s Principal Building Conservation Officer shares the view of Historic England in identifying that there is an opportunity for the design of the proposals to respond to local character and improve the character and quality of the area. Concern is also raised that the proposals have the potential to impact upon the setting of the listed railway station.



6.18 The officer advises that the proposed building is of an appropriate scale for the location, however there is an opportunity for the use of articulation, materiality and architectural language of the building to give legibility to the site and not only respond to the character and distinctiveness of Hereford but also to create a sense of identity in the area around the station approach.

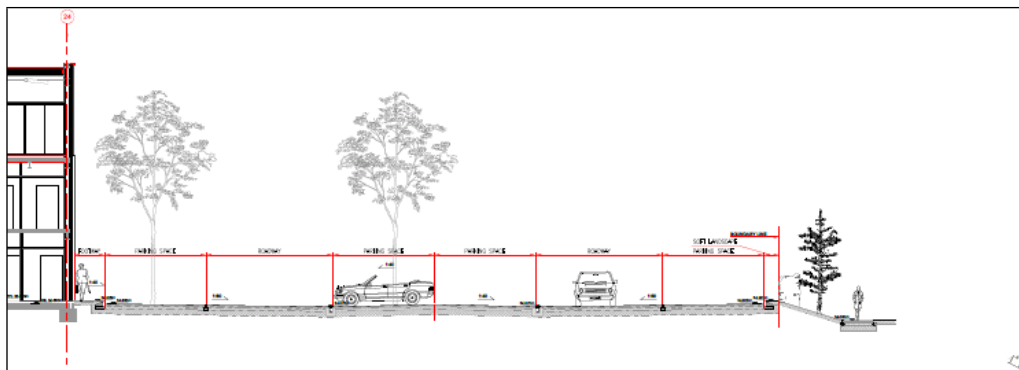
6.19 The station is acknowledged as a key point of arrival for visitors and as such the experience of the station forecourt is a key aspect of its setting which contributes to its significance. This matter is explored in the urban panel review, a document referred to in third party representations received. This document provides some advice to Herefordshire Council addressing in particular how the 'sense of arrival' at Hereford Station might be improved, including;

- As part of the investment in the public realm, priority should be given to the creation of a high-quality public space in front of the station.
- Following the principles adopted between Old Market and Widemarsh Street, consideration should be given to how a more pleasant pedestrian route might be developed from the station to the City Centre.
- The legibility of the City Centre for those arriving at the Station needs to be improved

6.20 This can be viewed online at:

<https://content.historicengland.org.uk/content/docs/committees-panels/urban-panel-review-paper-hereford-oct17.pdf>

6.21 However, although within the vicinity of the station and Transport Hub, this application does not present the opportunity to address this public realm issue or the provision of the Transport Hub and must be considered on its own merits. However, the application submission clearly documents that consideration has been given to the relationship between the development site and the as yet, undesigned transport hub, providing connectivity and an attractive but functional boundary that addresses the difference in levels between the sites as can be seen on the section below.



6.22 The design approach has been documented by the applicants in their response to the various comments made by Historic England, Council officers and others as follows:

- Sympathetic to the Grade II listed building through its red brick materiality and orientation of the west wing to create a setting for the Proposed Transport Hub
- Foot print and orientation of wings takes inspiration from the historical canal basin.
- Materiality inspired by historical timber yards near the site and the colour palette of the modern developments of Hereford.
- A sustainable architecture that has been designed using a fabric first approach, achieving privacy, acoustics, reduced solar gains, shading etc through the design rather than add on technologies, while achieving the requirements of all regulatory bodies.

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

- A feature entrance on City Link Road - to create an active frontage and positive street front.
- A feature corner to the west corner creating distributing pedestrian activity and creating an attractive corner for those moving eastwards.
- A tree lined façade which provides the required shading without the need of add on solar shading.
- A tree lined façade which introduces soft landscaping on a hard-engineered City Link Road.
- Opportunity to link through to the proposed Transport Hub by continuing the soft landscaping and incorporation of the pedestrian path

6.23 The application also includes a photomontage of the current street scene, with post office building and station in view (to left and right respectively). This is inserted below, and it provides an indication from a distance of the scale of the building and its relationship with the listed railway station and its frontage and how it will address the street.



- 6.24 Polies LD1 and SD1 of the Core Strategy are also policies that require demonstration that character of the landscape and townscape has positively influenced the design of the proposal, with incorporation of new landscape schemes to ensure development integrates appropriately into its surroundings and maintain local distinctiveness.
- 6.25 In response to the various comments in respect of design (from both respondents to the consultation exercise and the scheme designers), officers consider that development of this site is particularly difficult given that it is a newly formed road corridor, with limited building references other than the train station, post office building to take design cues from.
- 6.26 Perhaps inevitably in this context, the building has therefore been designed having regard to its specific end use as a health centre that will meet an identified need in the city. Its conception and design has sought to make efficient use of land and make a positive contribution to architectural diversity on a constrained site. The proposal has also used physical sustainability measures that include, in particular, the orientation of the building, the provision of water conservation measures, storage for bicycles, and enabling renewable energy and energy conservation infrastructure. In striving for BREEAM excellence, a 'fabric first' approach has been taken to design. These, in combination would suggest compliance with policy SD1 of the Core Strategy and with the aims of the National Planning Policy Framework (2018)
- 6.27 The application is also accompanied by detailed proposals for the landscaping of the site. Overall, officers consider that the landscaping scheme is well conceived given site constraints, crime prevention requirements and the difficulties of adjacent railway land and that it is complementary to the setting of the building and so accords with CS Policies LD1, LD2 and LD3

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

### ***The approach to decision making – Heritage***

- 6.28 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.”*
- 6.29 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”.
- 6.30 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area 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”.
- 6.31 Paragraphs 193 - 196 of the NPPF (2018) deal with the approach to decision-making according to the significance of the heritage asset and the degree of harm arising as a consequence of development. Paragraph 193 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 195 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. This is unless such harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or where all 4 stated exceptions criteria apply.
- 6.32 Paragraph 196 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 196 is thus also a restrictive policy.
- 6.33 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the Grade II Train Station (in which case paragraph 195 directs refusal unless the scheme achieves substantial public benefits that outweigh the harm) or whether the harm falls within the purview of paragraph 196; in which case it is necessary to weigh the less than substantial harm against the public benefits in an unweighted planning balance. Even if harm is less than substantial, it is absolutely clear that such harm weighs heavily in the planning balance – the fact that it is not necessary to demonstrate that harm significantly and demonstrably outweighs the benefits gives weight to paragraph 196 as a restrictive policy.
- 6.34 As detailed above, the Statutory bodies do not expressly conclude that the proposed works would lead to less than substantial harm, but it could be concluded from their comments (that raise concern about design approach rather than objection) that they are taking the same approach as the Council’s advisor and are concluding less than substantial harm and that paragraph 196 would apply. As such the public benefits arising from the scheme must be weighed accordingly, with that weight a matter for the decision-maker.



- 6.35 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 in the first instance. Officers return to this matter later in the report.

#### *Ecological Impacts*

- 6.36 The application is accompanied by an ecological appraisal and the Council's Ecologist does not raise concerns over and above this. They are also satisfied that the drainage strategy for surface water management control can be successfully managed and should present no additional biodiversity issues. It is agreed that the recommendations for the development present a small net gain to the site if enhancement measures are adopted mainly for nesting birds (notably swifts) and for landscaping and this can be secured via an appropriately worded ecological mitigation and enhancement planning condition. With this condition in place, officers are content that the scheme fulfils the requirements of LD2.

#### *Drainage and Flood Risk*

- 6.37 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered.
- 6.38 The site was initially identified as lying partially within Flood Zone 2 and 3. A Flood Risk Assessment was undertaken and the findings of this have been agreed by the Council's Land Drainage consultant.
- 6.39 The National Planning Policy Framework (NPPF) Sequential Test requires that a sequential approach is followed to steer new development to areas with the lowest probability of flooding (i.e. Flood Zone 1, then 2, then 3).
- 6.40 An assessment has been made of the proposed development's flood risk vulnerability and suitability of each within the Flood Zone in which it is proposed. The proposed Primary Care Hub is considered to fall under the same classification as a hospital and is a 'more vulnerable' development with respect to flood risk. More vulnerable development is considered acceptable within Flood Zone 1 (Low Risk) and Flood Zone 2 (Medium Risk). Given the buildings are proposed within the sections of the site concluded to be at low risk (Zone 1) the proposed layout is considered to be in line with and meet the principles of the sequential test.
- 6.41 The NPPF Exception Test requires that a proposed development provides wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. Officers would conclude that the wider benefits are clear in this instance. In addition, the report considers flood resistance and resilience in its design and these are considered to be appropriate.
- 6.42 Matters of surface water drainage have broadly been agreed with Welsh Water agreeing, in principle, to surface water discharging to the existing combined sewer at attenuated rate. However, they have suggested a condition be imposed that will ensure that the drainage strategy is agreed, in detail in advance.
- 6.43 A condition and informative notes are recommended but I would conclude that the management of surface and land drainage can be satisfactorily accommodated and as such the requirements of policy SD3 can be met.

6.44 Policy SD3 also deals with water consumption and a planning condition is thus recommended to address this requirement.

## 7. The Planning Balance

- 7.1 The scheme is for the provision of a purpose built, modern, health centre with small associated retail use that is a the redevelopment of brownfield land on the edge of the city centre in a location that is accessible by and capable of facilitating a genuine choice of modes of travel including walking, cycling and public transport. The proposal would comply with the requirements of SC1 and SS4 of the Herefordshire Local Plan – Core Strategy.
- 7.2 Sustainable development is sought across three objectives; environmental, economic and social. In this case, the economic benefits of the scheme are those arising from the construction phase and the underpinning of construction and related jobs.
- 7.3 In social terms the scheme would deliver a purpose built, accessible service that will reflect current and future needs in supporting the communities' health and well being.
- 7.4 The main points of contention in this case relate to the environmental role. In this respect the site's proximity to the Grade II listed Hereford Train Station and the statutory duty "*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*" are noted and taken account of in the planning balance.
- 7.5 Historic England identify concerns in respect of the design of the building and site and how in their opinion the opportunity the site offers to make a more positive contribution to local character and distinctiveness is not taken. This is a view that the Council's own advisors agree with, along with concern about the potential for impact upon the setting of the Grade II listed train station. Nonetheless, it is agreed that less than substantial harm to the significance of the asset will accrue and that the correct approach to decision-making is to weigh this harm against the public benefits arising from the scheme in an unweighted balancing exercise. It is not necessary for the harm to significance to demonstrably and significantly outweigh benefits for refusal to ensue.
- 7.6 Taking all of the above into account, officers consider that the public benefits arising from the scheme outweigh the less than substantial harm to the significance of the setting of the Grade II listed Building. This conclusion is based on the following rationale:-
- The proposal will provide a modern and efficient building that has been architecturally designed (striving for BREEAM excellence) on a sustainably located brownfield site, in an accessible location and provide vital health facilities that will meet the current and future needs of the community.
  - There is no harm arising in relation to other technical matters as discussed above, and although the design-related comments from Historic England and the Principal Building Conservation Officer's comments are noted, officers do not consider that the design is so objectionable such that the planning balance should tip in favour of refusal.
- 7.7 Accordingly, officers are content to recommend the scheme for approval on the basis that the application of the unweighted planning balance indicates that the public benefits arising from the scheme outweigh the less than substantial harm to significance. That being recognised, absent any other harm, the recommendation can only be for approval on the basis that the scheme complies with the Development Plan when read as a whole.

## RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions (or informatives) considered necessary:

1. A01 - Time limit for commencement (full permission)
2. B01 - Development in accordance with the approved plans
3. C01 - Samples of external materials
4. Foul and Surface Water 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

5. H16 - Parking/unloading provision - submission of details

The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The proposed areas for parking should clearly identify specific spaces designated for staff, patients, drop-off / pick-up and emergency services. Such areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Core Strategy.

6. H17 - Junction Improvements/Off site works (To include the TRO and access arrangements)
7. H21 - Wheel Washing
8. H27 - Parking for Site Operatives – During Construction

Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Core Strategy.

**9. H29 - Secure and Covered Cycle Parking Provision**

Before the development is commenced, a scheme for the provision of covered and secure cycle parking on site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy.

**10. H30 - Full Travel Plan**

Prior to the commencement of the development, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and patients with respect to the development hereby permitted shall be submitted to and be approved in writing by the local planning authority. The submitted Travel Plan should include the following:

- I. A review of existing and proposed walking, cycling and public transport infrastructure which could be used by staff and patients to travel to the Primary Care Hub. This detailed accessibility review should be based on staff and patient catchment areas, particularly to/from rural areas;
- II. Details on the development proposals including clarification on the proposed number of existing and proposed full-time/part-time staff to be employed onsite. Details on proposed shift start/end times should also be included.
- III. The undertaking and analysis of a baseline travel survey on existing staff and patients. The travel survey should specifically include questions relating to existing travel habits and anticipated future travel arrangements following the development of the Primary Care Hub.
- IV. SMART (Specific-Measurable-Achievable-Realistic-Timebound) modal shift targets which should be based on the existing and proposed modal split of staff and patients, with the aim of reducing car travel to the site.
- V. A package of measures to be implemented on site, suitable for a central facility. This should include, but not be limited to: informational measures such as leaflets, online information and Access Guides; infrastructure measures including lockers, showers and changing facilities for staff cycling to work, secure and covered cycle parking and provision of a public transport Real-Time Information (RTI) display board; and promotional measures / incentives including a staff cycle-to-work scheme and bus taster tickets and discounts for staff to encourage travel to work by public transport.
- VI. A management strategy which should set out who will be responsible for the day-to-day running of the Travel Plan. Due to the scale of the development, coordination with relevant stakeholders to form a Steering Group is recommended (i.e. Network Rail, Local Bus Operators, Herefordshire Council etc.)
- VII. Details on a Car Park Management Strategy;
- VIII. A monitoring and review strategy detailing how and when annual travel surveys will be undertaken and a timetable for the preparation and submission of annual monitoring reports to HCC.
- IX. A commitment to the implementation of remedial measures should the Travel Plan fail to meet its agreed SMART modal-shift targets.

The Travel Plan shall be implemented, in accordance with the approved details, prior to the opening of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform to the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy.

#### 11. Full Car Park Management Strategy

Prior to the commencement of the development, a Full Car Park Management Strategy shall be submitted to and approved in writing by the Local Planning Authority and measures shall be implemented and maintained in accordance with the approved details and the car park managed accordingly thereafter. The submitted Car Park Management Strategy should include the following details (in addition to best practice guidance as set out in HTM 07-03 NHS Car Parking Management: Environment and Sustainability):

- i. Specific details on car parking provision proposed on site including staff, patient, disabled persons, short stay or drop-off/pick-up parking and emergency services parking. All of the above should be provided within the site as set out in HTM 07-03 NHS CPM guidance.
- ii. Details of all other available public (council-operated) car parks including total number of spaces, occupancy rates during peak periods, tariffs and walking distances from the site. HCC Parking Services may be able provide details on existing parking occupancy.
- iii. Details on the proposed operation of the onsite car park including any proposed charges, staff parking permits, concessions and barrier operation (e.g. 'pay on exit' as recommended in HTM 07-03 NHS CPM).
- iv. Details on any private contractors or patrol staff who would manage and enforce car parking on site and any procedures which will be in place.
- v. Details on proposed signage within the car parking to ensure wayfinding and legibility.
- vi. A package of car parking management measures to be implemented on site. These should include, but not be limited to: informational measures such as car parking information in appointment letters or on scheduling an appointment, the provision of Access Guides to both staff and patients and information online; infrastructure measures including signage to inform patients / staff of parking charges and provision of designated short-stay spaces within the site; and promotional measures / incentives including the use of staff permits. Staff permits should be incentivised and only issued to those who actively car share to the site who reside in remote / inaccessible areas. Permits should not be issued to staff who reside within a short distance of the site or close to public transport links.
- vii. A monitoring and review strategy detailing how and when annual travel surveys will be undertaken and a timetable for the preparation and submission of annual monitoring reports to HCC.

Reason: To ensure the provision of an appropriate level of car parking and to conform to the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy.

12. 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 having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy

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

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy

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

**Reason:** In the interests of human health having regard to the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy

15. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process. The Plan shall be implemented as approved.

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

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

- 16. The recommendations for species and habitat enhancements set out in the Preliminary Ecological Assessment report and the Ecological Impact Assessment from Countryside Consultants both dated March 2018 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. An ecological enhancement integrated with the landscape plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.**

**An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

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

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

## **INFORMATIVES:**

- 1. IP2 - The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2. With reference to contaminated land conditions**

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 (2018). 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.

Decision: .....

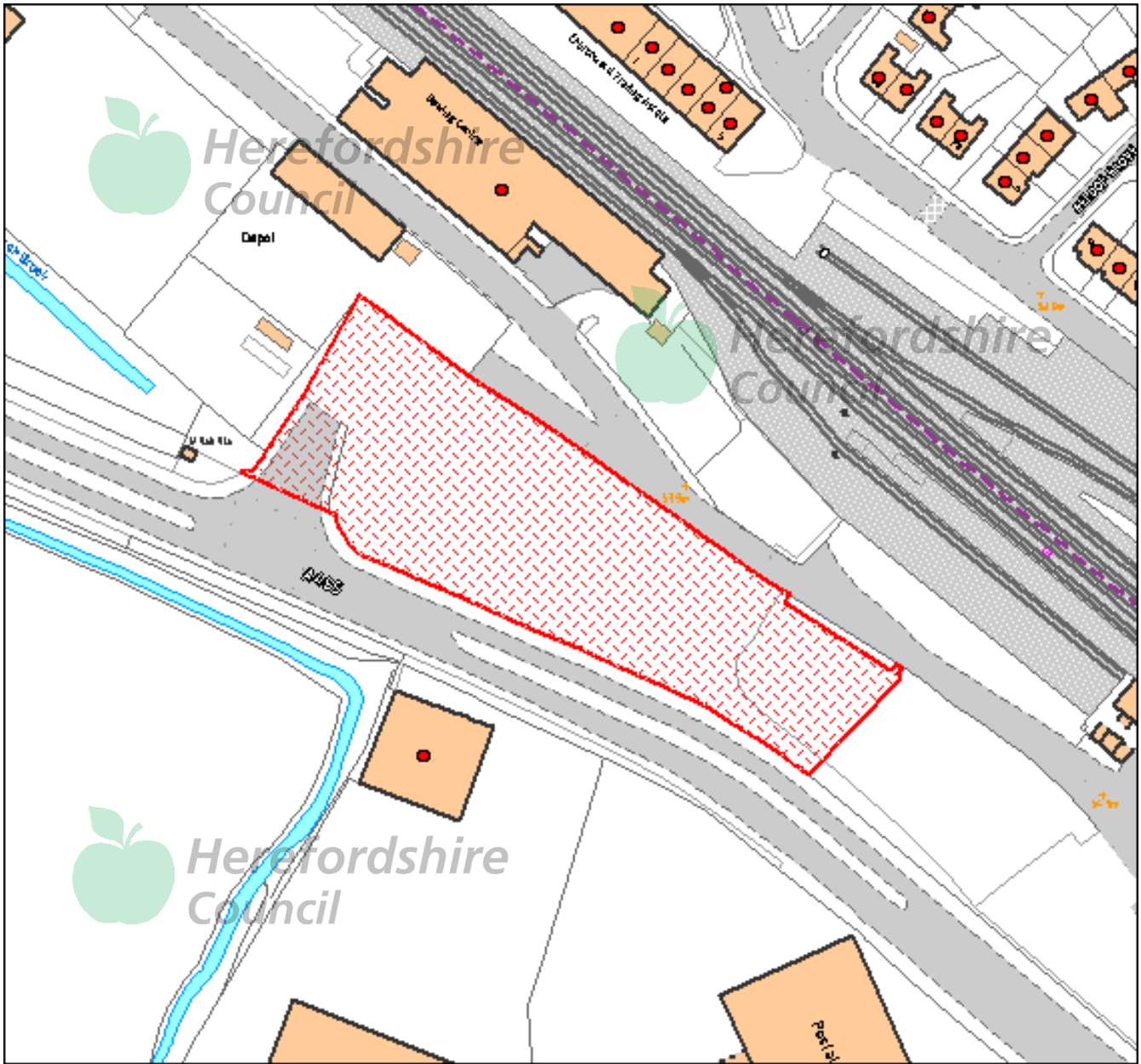
Notes: .....

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**Background Papers**

Internal departmental consultation replies.





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**APPLICATION NO:** 181583

**SITE ADDRESS :** LAND FRONTING STATION APPROACH (CITY LINK ROAD), HEREFORD

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



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>27 SEPTEMBER 2018</b>
<b>TITLE OF REPORT:</b>	<p><b>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</b></p> <p><b>For: Mrs Lane per Mr Jiggins, WSP, The Victoria, 150-182 The Quays, Salford, Manchester, M50 3SP</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182314&amp;search=182314">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182314&amp;search=182314</a>
<b>Reason Application submitted to Committee – Council owned land with objections</b>	

**Date Received:**  
**21 June 2018**

**Ward:**  
Wormside and Stoney Street  
Adj: Red Hill and Newton Farm

**Grid Ref: 348393, 237028**

**Expiry Date: 1 October 2018**

Local Members: Cllr J Johnson, Cllr S Williams, Cllr P J Edwards (adj) & Cllr P Rone (adj)

## **1. Site Description and Proposal**

- 1.1 As part of the development of the South Wye Transport Package (SWTP), Southern Link Road (SLR) located south of Hereford (Application Number P151314/F, determined on 18<sup>th</sup> July 2016). The committee report, associated plans and documents for this can be viewed on the website at:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=151314&search=151314](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151314&search=151314)
- 1.2 The applicants, Herefordshire Council, are seeking planning permission for ancillary works that lie outside the original application boundary. These proposals relate primarily to minor alterations; including the creation of new accesses (and field gates), alterations to property boundary (Pykeways) and alterations to drainage arrangements. The most notable piece of development required is the construction of a temporary haulage route. These proposals are described in the application submission and are spread across a wide geographical area. These proposals are shown on 10 drawings, number Sheet 1 to 10 and these are described in more detail below.

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

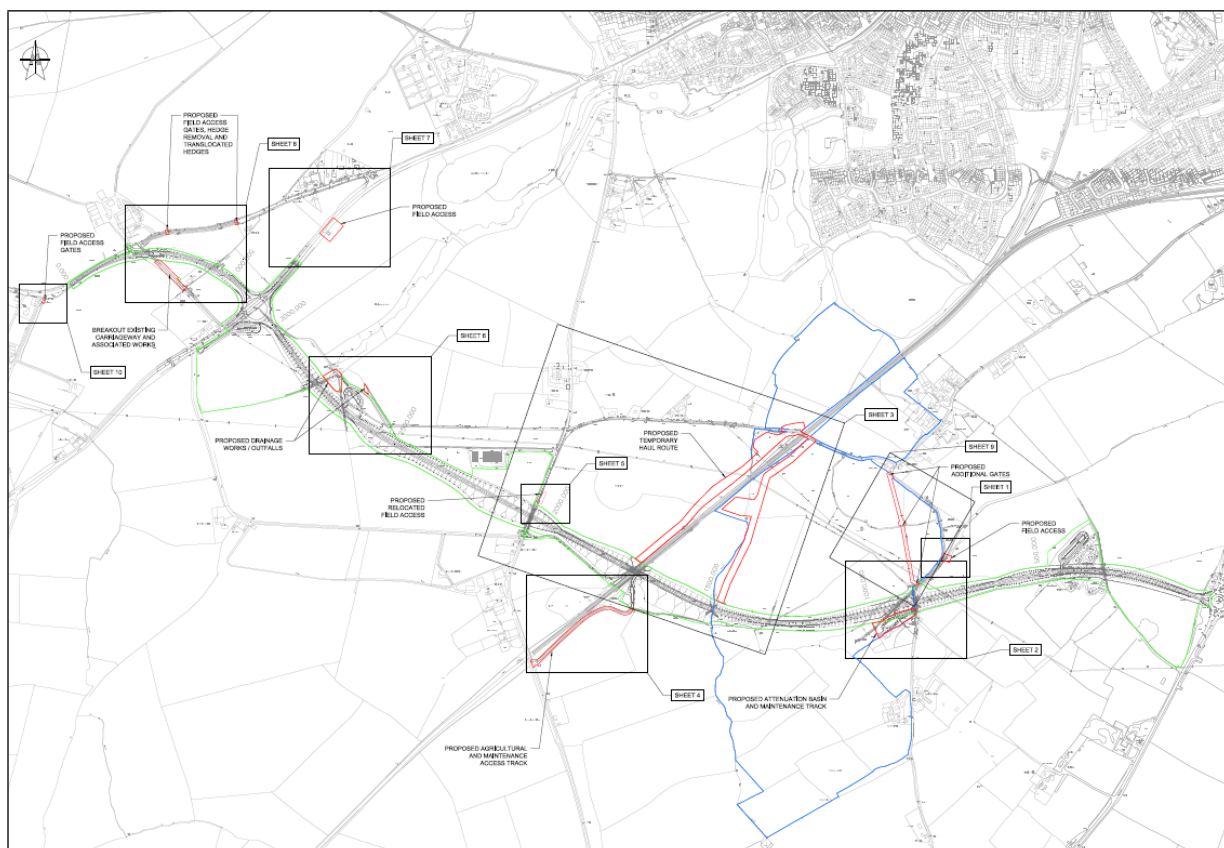
1.3 The application was validated on 2<sup>nd</sup> July 2018 and the initial period of consultation was undertaken (12<sup>th</sup> July – 2<sup>nd</sup> August). Following discussions with the Local Planning Authority pursuant to concerns that had been raised during the initial consultation phase the applicants provided some supplementary information and amended plans. These sought to provide clarification in respect of achievable visibility splays for the proposed accesses and address queries in respect of landscape and biodiversity. Upon receipt, the Local Planning Authority undertook a further period of consultation (16<sup>th</sup> August – 10<sup>th</sup> September).

1.4 The application has been supported by the following documents:-

- Arboricultural Method Statement (including Tree Protection Plans)
- Noise and Air Quality Statement
- Preliminary Environmental Appraisal
- Flood Risk Assessment
- Hedgerow Survey
- Great Crested Newts Survey Report
- Woodland Botanical Survey
- Response to consultation comments and memo

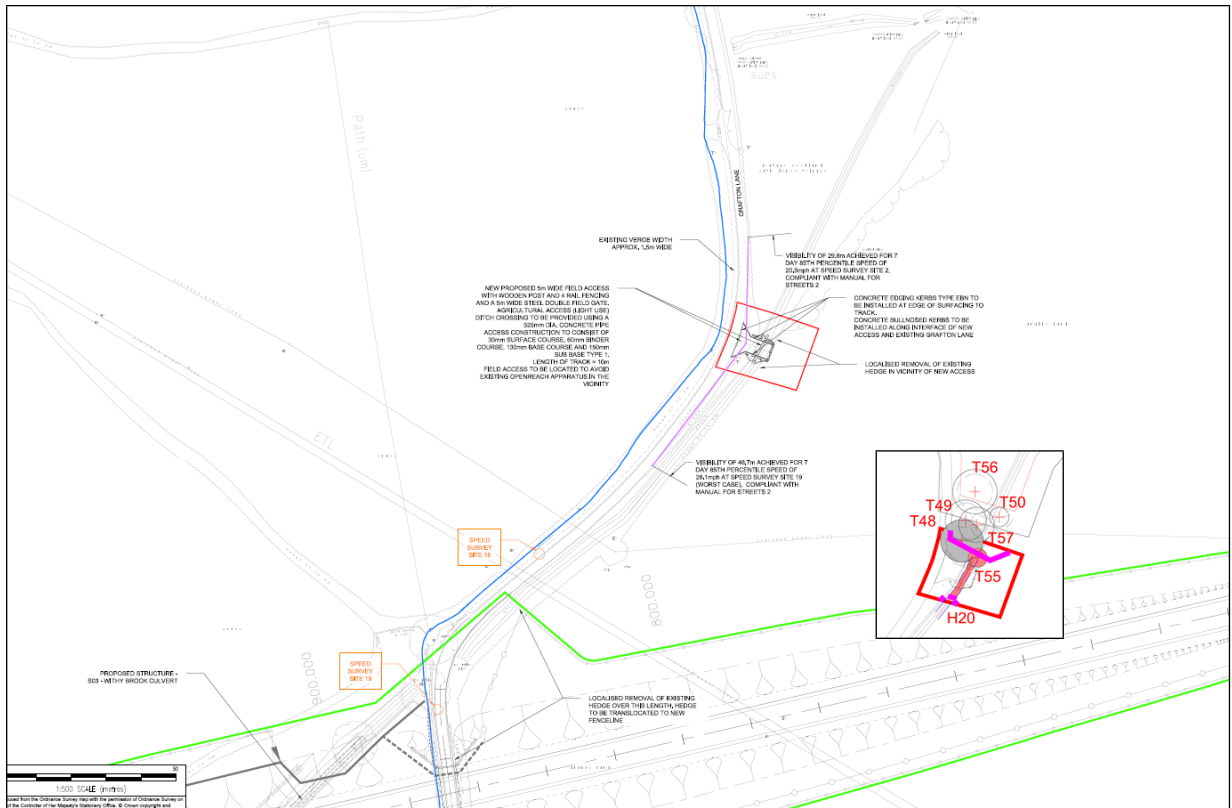
Plans submitted as described below.

1.5 The proposals are spread along the length of the proposed Southern Link road. The extract of the drawing titled Site Location Plan Extents is inserted below: The plan shows the Southern Link Road, as approved, outlined in green and areas of the proposed works outlined in red. The proposals are then detailed on Sheets 1 – 10 (site location and site plans) and these are described in more detail below, along with relevant extracts of the plans.



Sheet 1 - New field access and drainage ditch crossing (Site Plan – Sheet 1)

- 1.6 The site lies to the southern side of Grafton Lane and to the as the lane bends slightly. The drawing extract below identifies the site in relation to the approved SLR route. To its north lies an area of woodland (Deciduous woodland). The access would serve the adjacent agricultural land that would be severed by the Southern Link Road (SLR) that lies to its south.



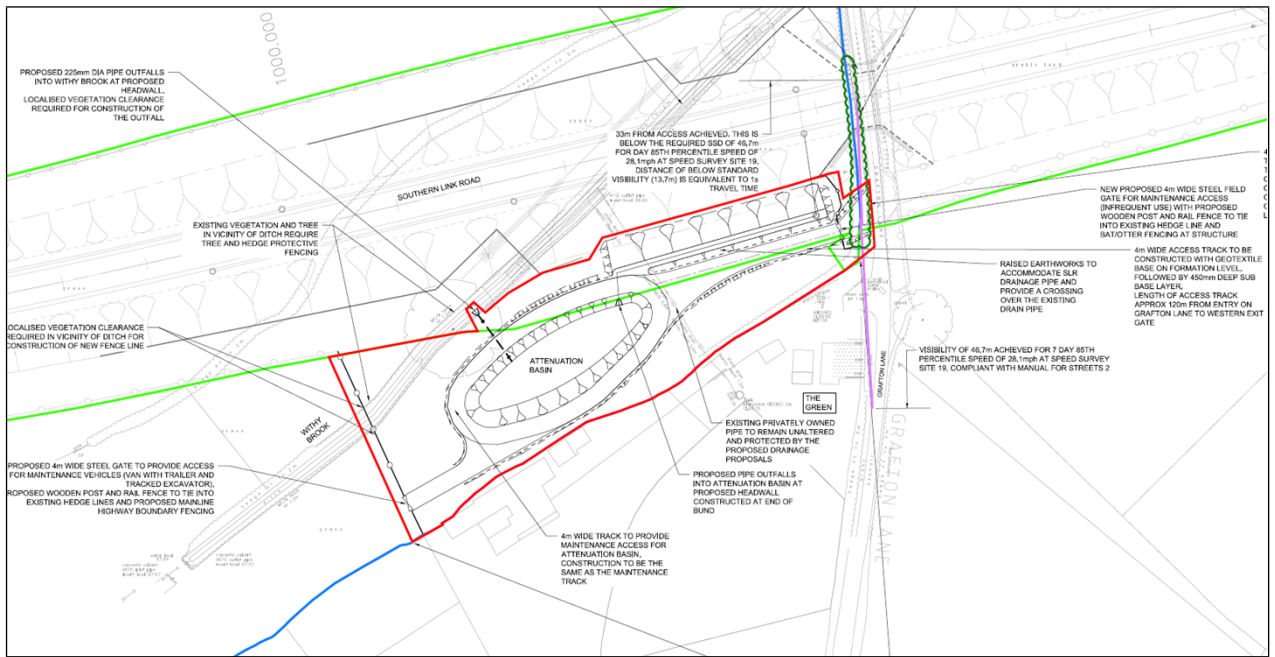
Above: Extract from Sheet 1 and insert from Arboricultural Method Statement

- 1.7 The proposed access would be 5m wide (double gate) and would be hardsurfaced with concrete edging kerbs. Gates would be set back by 10m to allow for vehicles to exit and open the gate, without obstructing the highway. Visibility splays of 46.7m to the north and 29.8m to the south west can be achieved and seasonal hedgerow maintenance will be required. As the access would cross Withy Brook, a culvert is proposed. The Arboricultural report confirms that only a short section of hedge will be removed and that tree and hedgerow protection will be provided during the construction phase.

Sheet 2 - Drainage works and maintenance track / access

- 1.8 The application site lies to the north of the property known as 'The Green', to the west of Grafton Lane and to the south of the SLR route. The proposals are for the creation of an attenuation basin that will form part of the SLR drainage strategy that will be submitted for consideration as an application for the discharge of the relevant condition. The proposals include a 4m wide maintenance track around its periphery. The originally submitted plans did not include the entire basin and track within the red edge and as such, officers requested the red edge be marginally extended to ensure that the development was contained within the application site boundary.
- 1.9 The plans have also been amended to remove the access to the north, as it has been noted that an access point was already agreed as part of the original planning permission 151314. The arboricultural report identifies that the hedge to the southern boundary (The Green) will be protected during construction.





Above: Extract from sheet 2

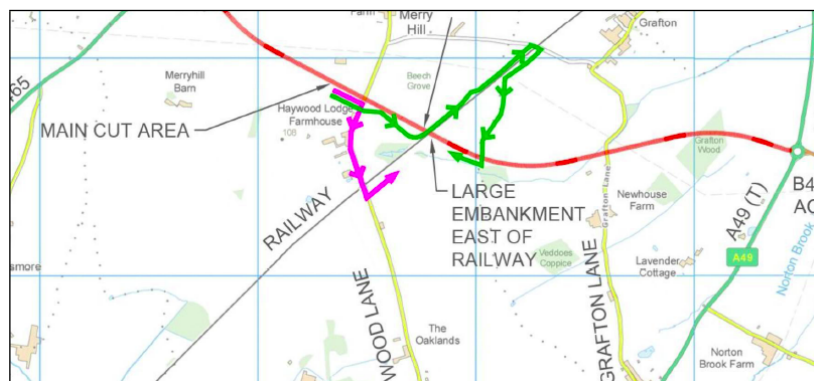
Sheet 3 - Proposed temporary Haul Road and realignment of cycle route

- 1.10 The application site lies to both the west and east of the railway line, and to the northern side of the SLR route.
- 1.11 Until such time as a new bridge spanning over the railway line is constructed the material will need to be transported in lorries from land west of the railway line to land on the eastern side. It was assumed in the original SLR planning application (151314) that materials would be delivered to and from site via the road network (Route Option 1). However, during further discussion with landowners, another route option, across private land, has been proposed for transporting the excavated material (Route Option 2):

Route Option 1 (pink): Using the existing road network – vehicles would go south along a short section (approximately 0.7km on road) of Haywood Lane and over the railway line on an existing bridge near Haywood Lodge.

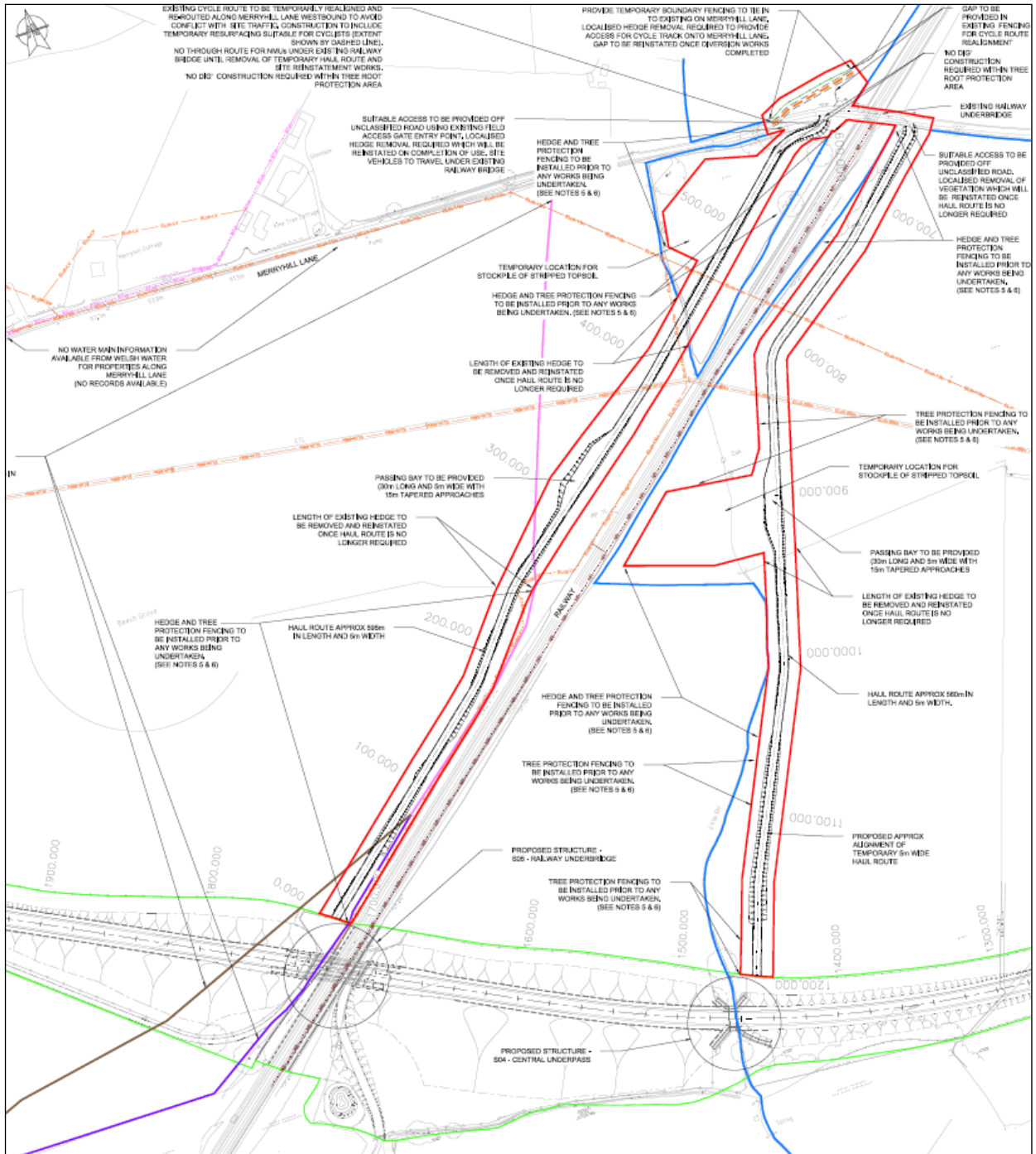
Route Option 2 (green): Creating a temporary haulage access route through agricultural fields, which would begin on land east of Haywood Lane, cross underneath the railway at Merryhill Lane bridge and continue south through more agricultural fields. This route is approximately 1.7km in length and off road except for the short crossing at Merryhill Lane.

- 1.12 An extract of route options plan (figure 1), taken from the noise and air quality statement, is inserted below. These route forms the basis of the assessment on impacts within the report.



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

1.13 The extract from the submitted plans details the extent of the haul route (option 2). The haul route to the west would be approximately 595m long and 5m in width, with a passing bay located in a central position. Fencing will be erected to protect the hedgerow to the east and where hedgerow removal is required (small section to create access through) the hedge will be reinstated once the haul route is no longer required. Temporary stockpile areas are also proposed for the stripped topsoil so that this can be used for reinstatement of the land. A temporary fence is proposed around the haul road and Arboricultural method statement details areas of tree protection and no dig areas.

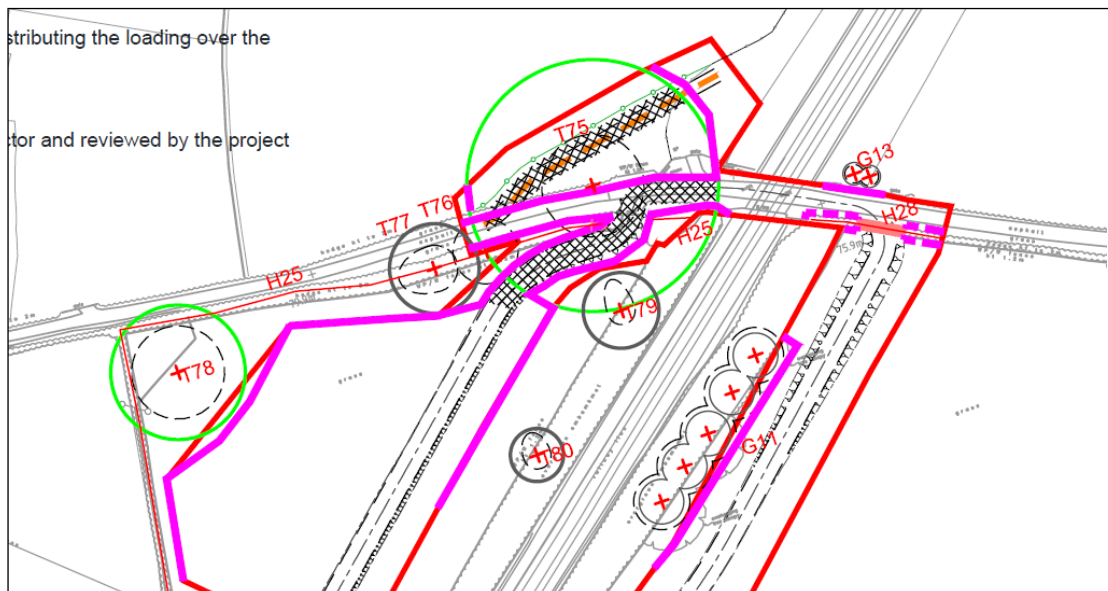
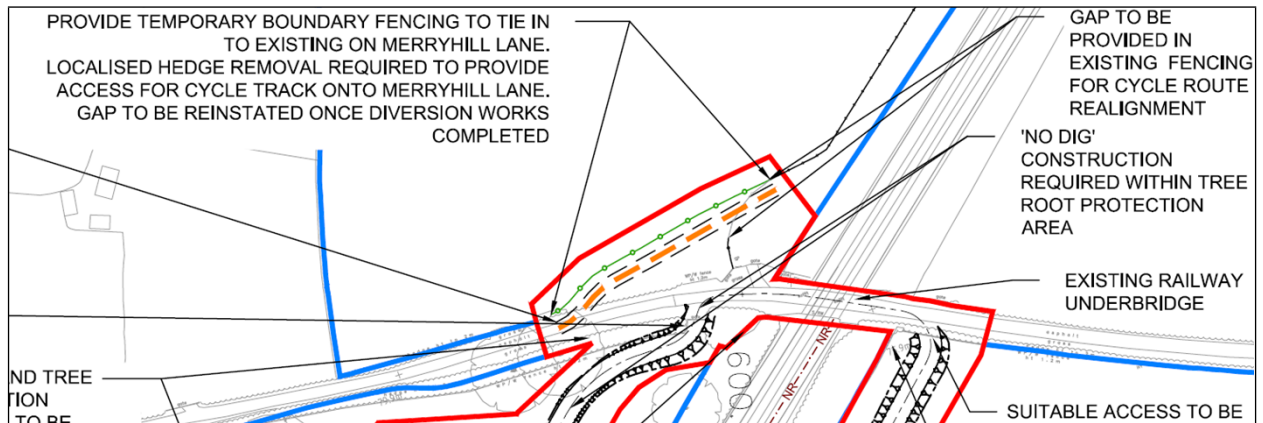


1.14 The submission advises that 'a transport assessment undertaken for the purposes of haulage route selection established that the creation of the haulage route would avoid negative impacts on the existing highway network by removing construction traffic. The excavation and transportation of material is estimated to take up to 11 weeks to complete, subject to suitable

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working hours (assumed to be 9:00am to 5:00pm) to be agreed with the local planning authority and suitable weather conditions. Based on this timescale and the prediction that material can be excavated at a rate of 6000m<sup>3</sup> a week, this results in the likely deployment of 19 dump trucks an hour. The haulage route would therefore reduce the number of trips on the road network, avoiding the potential for congestion. It would also eliminate the movement of excavated loose aggregate material via public highways. This will minimise the risk of material spilling on the roads, compromising [the] road surface.'

- 1.15 The haul road would be removed post construction and the land reinstated.
- 1.16 The proposed haul route being considered allows Southern Link Road (SLR) haulage vehicles and construction traffic exclusive use of the bridge under the railway to service construction sites either side of the line. If progressed, it would be necessary to block off the eastern section of Merryhill Lane between the end of the Great Western Way (GWW) / National Cycle Network (NCN) route 46 and Grafton Lane.
- 1.17 To address this, a new section (temporary) of cycle way would be created (hatched orange on the plan below).



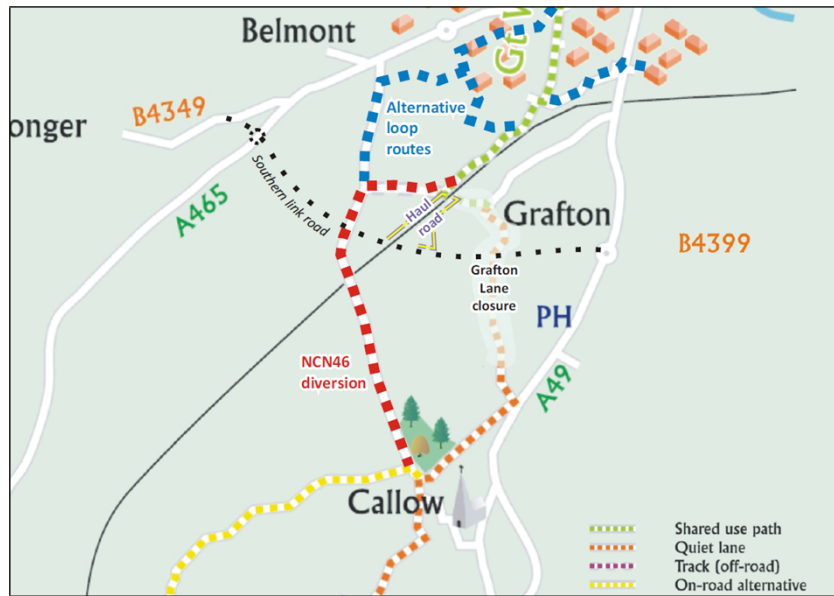
*Extract from Sheet 3 and insert from Arboricultural Method Statement*

- 1.18 To allow continued use of the National Cycle Network route 46 the applicants propose temporarily divert NCN46 west up Merryhill Lane to Haywood Lane to rejoin the NCN near the point where the two options divide. The diversions is of a comparable length (60m difference) to the existing section of NCN46 and in bringing the western section of Merryhill Lane up to a

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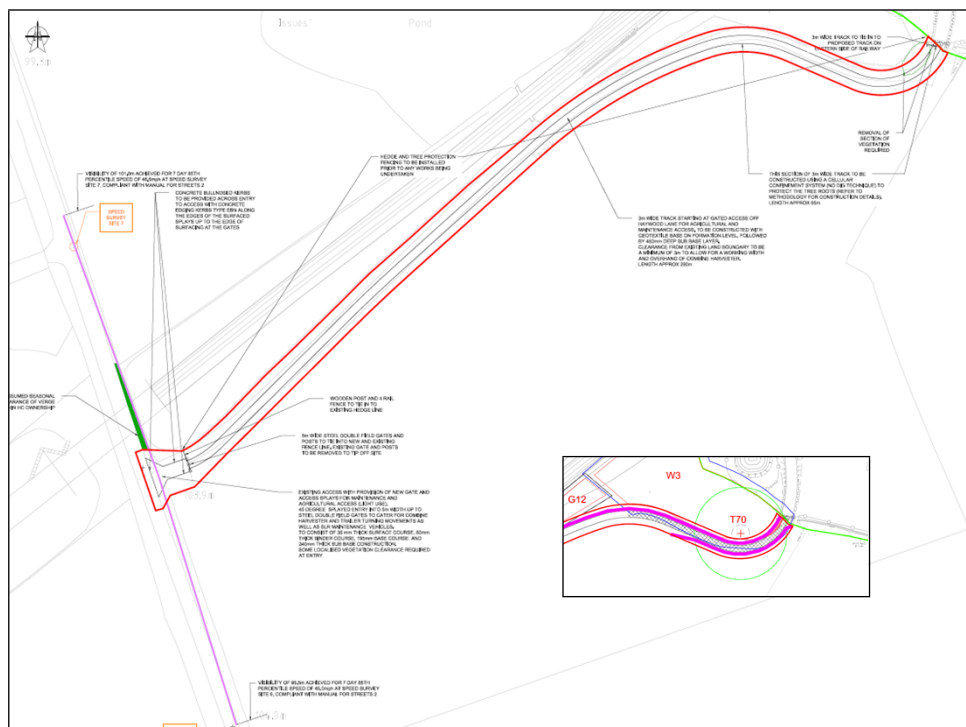


cycleable standard while still deterring its use by motor vehicles and the result is the provision of an option that will remain available after the SLR construction is complete. A map (extract) detailing the diversion is inserted below.



**Sheet 4 – Access / Maintenance track off Haywood Lane**

- 1.19 The proposal involves the creation of a maintenance track, from the existing access point onto Haywood Lane, along the northern boundary of the field (alongside the railway line) to the field gate to the north east. The track will be approximately 350m in length and predominately 3m in width (5m at access point). The amended plan updated the visibility splays based on the speed data and detailed an area of vegetation removal to achieve these (101m to north and 95.5 to south). The application also identifies this as a potential haul route (option 1).

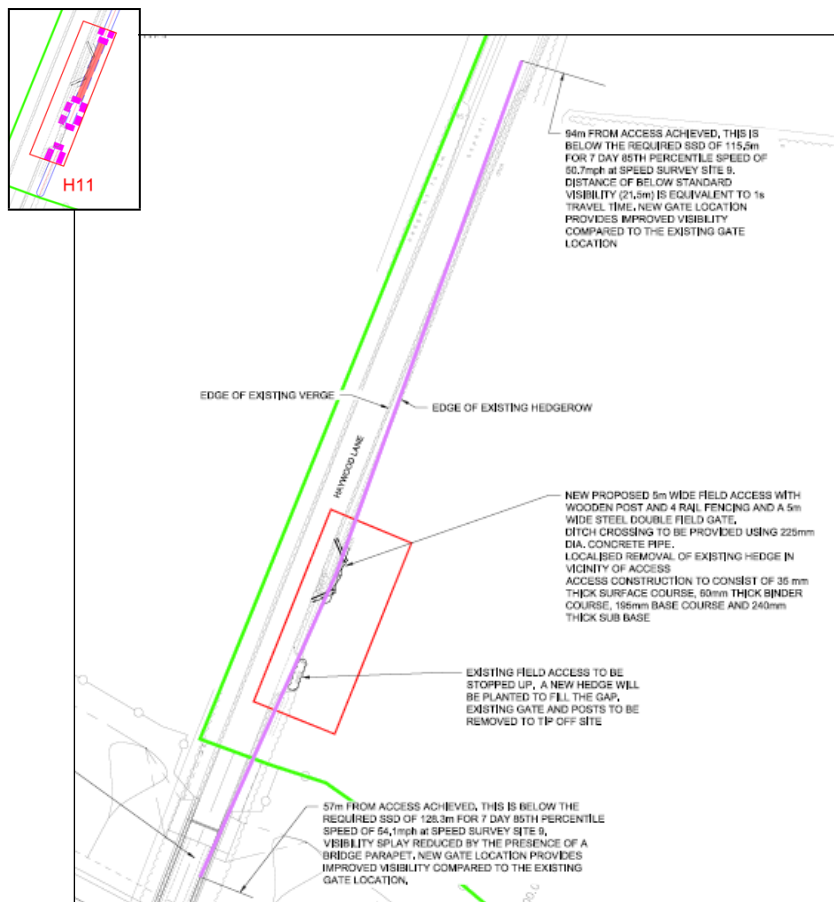


Above: Extract of Sheet 4 and from Arboricultural Method Statement

- 1.20 The proposed access track, to the eastern end, passes by an existing area of woodland. At this point, the arboricultural report identifies an area of no dig construction and the provision of tree protection measures. It is evident on site that this route between field gates is already used by vehicles (agricultural and rail maintenance) but is not surfaced.

Sheet 5 – New Field Access (Haywood Lane), drainage ditch crossing (hedge removal and new hedge planting)

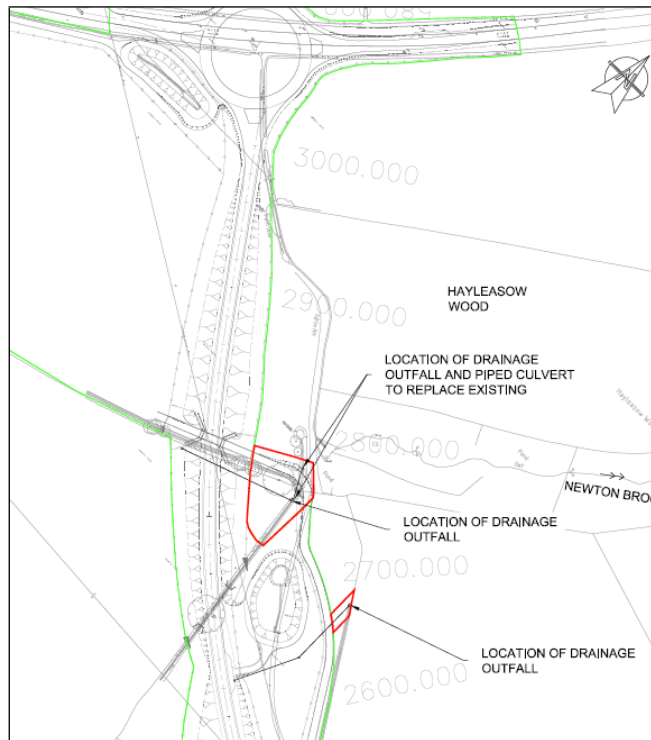
- 1.21 The new field access proposed lies on the eastern side of Haywood lane, to the north of the proposed SLR. This would consist of a 5m wide field access gate with wooden post and rail fencing and a 5m wide steel double gate. Localised hedgerow will be removed to form the access, with normal hedgerow maintenance required to maintain the achievable visibility splays of 57m to the south and 95m to the north. The existing ditch would be culverted. The existing gateway, that lies 14m to the south, will be stopped up and hedgerow replanted.



Above: Extract of Sheet 3 and from Arboricultural Method Statement

Sheet 6 – Drainage works – site to the south west of Hayleasow Wood.

- 1.22 The application site lies to the eastern side of the proposed SLR, in a position between Haywood Lane and the A465. Hayleasow Wood (Ancient Woodland) lies to the north. The proposals in this area relate to three new piped drawing outfalls into existing ditches as part of a wider drainage strategy that will be submitted as part of a discharge of conditions for the SLR.

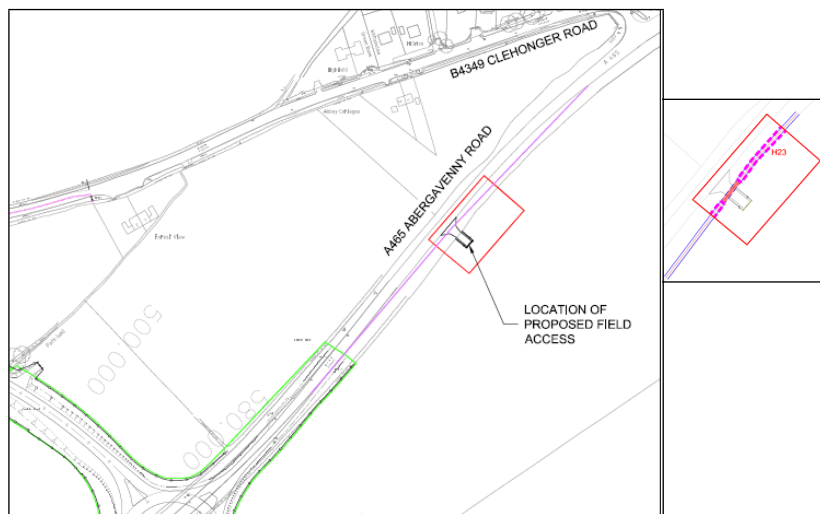


Above: Extract of Sheet 6

- 1.23 All proposed works are outside of this woodland, and no removal of woodland is proposed in this location. The outfall to the east of Hayleasow Wood provides a drainage connection from the existing fields to Newton Brook, which will be cut by the Southern Link Road (SLR). This will not be connected to the road. The outfall to the south of the Hayleasow Wood will drain the SLR.

Sheet 7 – New Field Access – A465

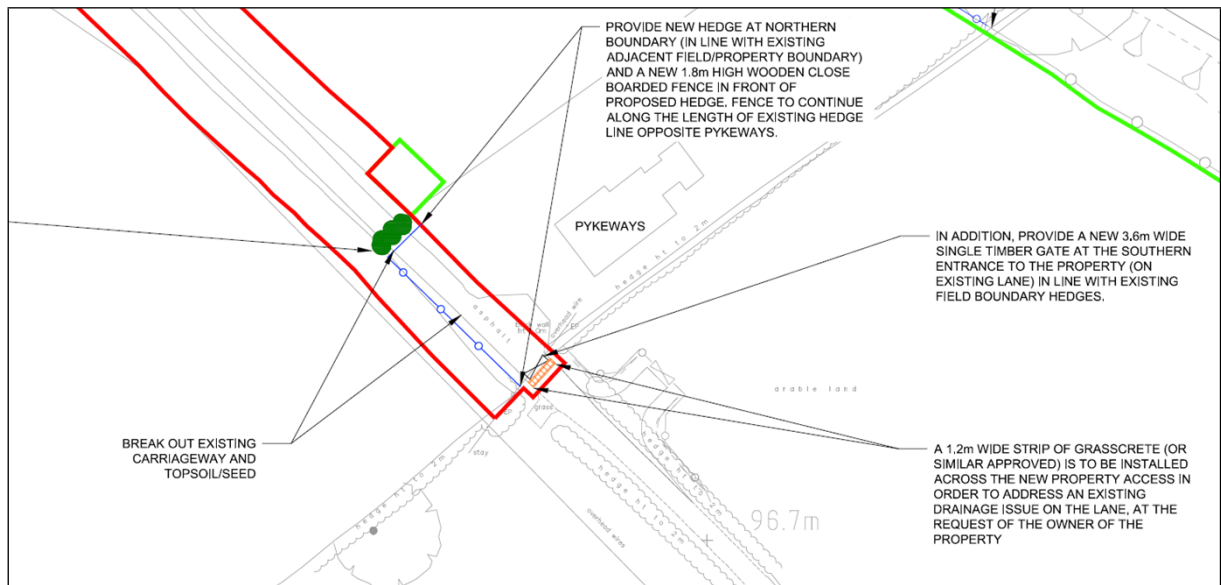
- 1.24 The proposed field access lies to the eastern side of the A465 (Abergavenny Road). It replaces an existing field gate that will be lost due to the location of the roundabout proposed as part of the SLR. The proposal is for a 5m wide field gate that would be set back around 19m from the carriageway, crossing the wide grass verge. Localised hedgerow removal would be required. The proposals achieve visibility to the north east of 139.3m and 156.1m to the south west (towards the proposed roundabout) and this is detailed on the amended plan as inserted below.



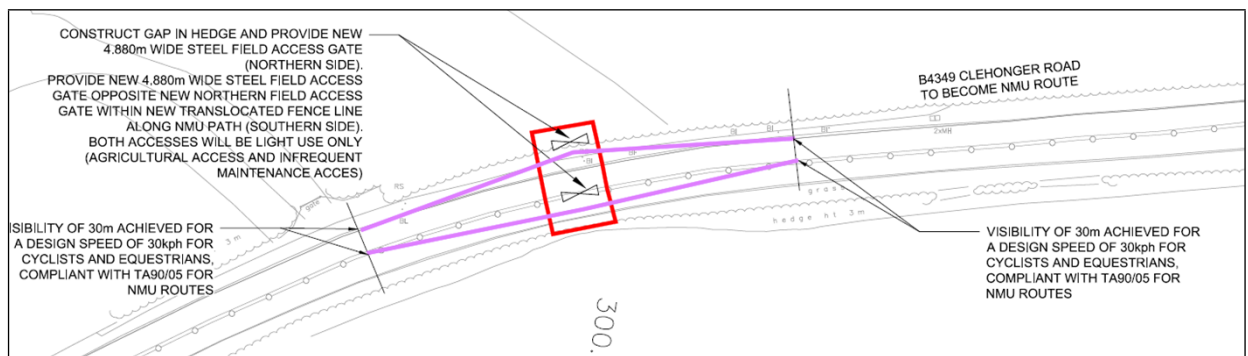
Above: Extract of Sheet 7 and from Arboricultural Method Statement

Sheet 8 – Proposed changes to highway at Pykeways and proposed accesses on the B4349

- 1.25 The first part of this proposal relates to the section that lies on the existing lane between the B4349 and A465. The proposed SLR bisects this lane, and restricts access from the B4349. The lane does however serve the property know as Pykeways. As part of negotiations with landowners, the application was amended and red edge enlarged to facilitate the changes to the new access arrangements to Pykeways. This will allow the planting of a hedge, and erection of a fence to the west, forming the new boundary of the property and a hedge / tree planting to the northwest. A timer gate will be erected and grasscrete laid to address drainage concerns.
- 1.26 Beyond this, the carriageway will be removed. The application has now removed any reference to hedge removal to either side of the carriageway.



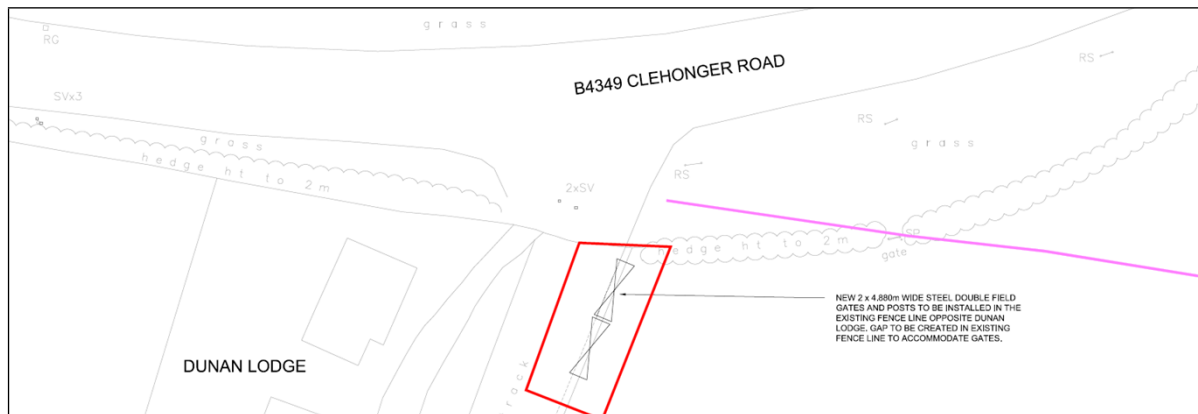
- 1.27 The application proposals also include new access points onto the B4349. The B4349 would, as part of the SLR proposals be changed from a traffic used by vehicles, to one that is for non-motorised users (NMU). The result of this is the reduction in width of the carriageway by erecting a fence and planting a new hedgerow.
- 1.28 The proposed access to the west proposes two gateways, directly opposite each other, allowing for farm / agricultural traffic to cross the NMU. The gates would be 4.8m wide, with visibility achievable 30m in each direction. The introduction of these gateways would only occur once the existing highway is closed to vehicular traffic.





## Sheet 10 – new field access in fenceline at Dunan Lodge (onto driveway)

- 1.31 This proposal relates to the insertion of two gates (4.8m each) to provide access to the field that lies to the south of the B4349. The existing field access to the west of this field would be lost with the construction of the SLR. The gates provide access to the driveway rather than onto the B4349. No hedgerow removal is proposed.



- 1.32 At the time of submission, a request for a screening opinion under the Town and Country Planning (Environmental Impact Assessment) regulations 2017 was made. The Council concluded that the developments proposed are not EIA development and therefore no Environment Statement is required. This is recorded under application 182369.

## 2. Policies

### 2.1 Herefordshire Local Plan - Core Strategy (CS)

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
HD3	-	Hereford Movement
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
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 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/local\\_plan\\_-\\_core\\_strategy/2](https://www.herefordshire.gov.uk/info/200185/local_plan/137/local_plan_-_core_strategy/2)

### A summary of the relevant policies are described below:

- 2.3 Policy SS1 of the CS states that when considering development proposals Herefordshire Council will *"take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions*



*which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.”*

- 2.4 Policy SS3 of the CS acknowledges the need to work with developers, the Highways Agency (now Highways England) and transport providers to improve transport infrastructure, connections and choices in our main centres and rural areas (where reliance on the private car is often the only option). This is particularly important for local journeys in Hereford where a balanced package of measures including more walking and cycling, bus transport and a Relief Road would improve connectivity and travel choice, reduce congestion, enhance the public realm and foster local enterprise and tourism.
- 2.5 Policy HD3 of the CS seeks to facilitate access and maximise connectivity within the city by all transport modes to reduce congestion, support future prosperity and enable growth. The CS is complemented and supported by the Local Transport Plan (LTP).
- 2.6 The granting of planning permission for the SLR as part of the South Wye Transport Package had full regard to the strategic aims of these policies and acknowledges that whilst the SWTP was being promoted as a stand alone scheme, there was the possibility that the SLR would ultimately link to the western relief road and the application was considered with that in mind. Given the clear relationship between the proposals that form this application and the SLR, it is considered appropriate to consider the more detailed requirements of this policy that states:
- “The road will be designed and developed in such a way which avoids and mitigates adverse impacts or physical damage to or loss of habitats, noise pollution and vibration, light pollution, air pollution, flood risk and water quality on the River Wye SAC, as well as residential amenity and business interests. Consideration of the impact of the road on heritage assets, their significance and setting, as well as the historic character of the wider landscape will also be required. Further assessments will be undertaken as part of the Hereford Area Plan and subsequent planning application(s).”*
- 2.7 These matters relate, in the main to environmental quality and the delivery of the environmental objectives of the Core Strategy that relate to local distinctiveness and sustainable design.
- 2.8 Policy SS6 (Environmental quality and local distinctiveness) outlines the strategic aims in that development proposals should conserve and enhance those environmental assets that contribute to the county’s distinctiveness such as landscape, biodiversity, heritage assets.
- 2.9 LD1 (Landscape and townscape) requires that development demonstrate that character of the landscape and townscape has positively influenced the design of the proposal, with incorporation of new landscape schemes to ensure development integrates appropriately into its surroundings.
- 2.10 LD2 (Biodiversity and geodiversity) identifies the requirements for development proposals to conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire through the retention and protection of nature conservation sites and habitats [and] important species in accordance with their status. The policy also expects the restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks and the creation of new biodiversity features and wildlife habitats.
- 2.11 LD4 (Historic environment and heritage assets) requires that development proposals should protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance.
- 2.12 SD1 (Sustainable design and energy efficiency) is a criteria-based policy requiring development proposals to create safe, sustainable, well integrated environments for all.

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Among other things, development should make efficient use of land. In addition the policy requires that residential amenity is safeguarded for existing residents and that development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution.

- 2.13 SD3 (Sustainable water management and water resources) requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance ground water resources and to provide opportunities to enhance biodiversity, health and recreation.

### **Neighbourhood Development Plan**

- 2.14 The Callow and Haywood Group Parish Council Neighbourhood Plan is made and forms part of the Development Plan. Policy CH2 is considered to be of particular relevance:

*Proposals for new roads and in particular the new southern link road will be required to incorporate the following to reduce adverse impacts on local landscape character, wildlife and local quality of life:*

- I. New roads should be routed carefully to integrate sympathetically with the natural landscape, and designed and sited to avoid encouragement of "rat running".*
- II. Any artificial lighting should be minimised; where provision of highway lighting is considered essential, lighting should be designed through use of appropriate luminosity and direction of lightflow to have a low impact on the surrounding landscape and housing, and should not leak unnecessary light into the night sky.*
- III. Any new roads should be part of a high quality landscaping scheme involving short term and long term planting using indigenous and locally appropriate tree and shrub species to provide screening and sound and visual barriers.*
- IV. Suitable road surface materials should be used to reduce noise impacts. Use of concrete should be avoided. Use of artificial earth bunding is encouraged to reduce noise and improve visual amenity.*
- V. Access for wildlife should be provided where wildlife corridors are truncated or severed such as use of under passes, bridges etc.*
- VI. Roads should include provision of appropriate water management and storage to minimise run off into neighbouring fields and properties.*
- VII. Roads should have continued access for public footpaths, cycleways (such as the sustrans national cycle network route 46) and bridleways via foot bridges which are of a high quality design and sited appropriately.*
- VIII. Continued access for landowners and farmers is a priority particularly where land holdings are affected by severance. Existing local lanes should not be severed by the link road if at all possible.*

*Proposals for introducing quiet lanes, traffic calming and maximum speed limits of 20mph will be supported in principle on heavily used routes through the parish to discourage heavy traffic, if and when the proposed southern link road is completed. Particular consideration should be given to reducing opportunities for "rat running"*

- 2.15 Clehonger Parish have designated their neighbourhood area, but have yet to progressed to Regulation 14 stage.

Neighbourhood Plans can be viewed on the website at:

[https://www.herefordshire.gov.uk/info/200140/planning\\_and\\_building\\_control/541/neighbourhood\\_planning/3](https://www.herefordshire.gov.uk/info/200140/planning_and_building_control/541/neighbourhood_planning/3)



## National Planning Policy Framework (2018)

2.16 The NPPF, revised earlier this year, is a significant material consideration; particularly where relevant CS policies are absent, silent or out of date. That is not the case here, yet as the NPPF post-dates the CS it is necessary to consider the policies of the NPPF in accordance with paragraph 212 i.e. *“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”*

2.17 Paragraph 213 confirms that due weight may still be given to CS policies that pre-date the publication of the revised NPPF *“according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

2.18 Having regard to the nature of this particular proposal, the following extracts from the revised NPPF are considered particularly pertinent:-

2.19 Chapter 2 - Achieving sustainable development

**an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Chapter 9 – Promoting sustainable transport

2.20 109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

2.21 108. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

*Chapter 15. Conserving and enhancing the natural environment*

2.22 170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

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e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

2.23 175. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

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<sup>58</sup> and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 16. Conserving and enhancing the historic environment

2.24 193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **3. Planning History**

3.1 151314 - New single carriageway (Southern Link Road) and associated work – Approved with conditions – 18<sup>th</sup> July 2016 (following committee resolution on the 6<sup>th</sup> June 2016)

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=151314&search=151314](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151314&search=151314)

## 4. Consultation Summary

### Statutory Consultations

#### 4.1 Historic England July 2018

We have had detailed prior consultation regarding the Southern Link Road A465-A49 project, and responded in detail to the Council on 18th February 2016. This application is for various enabling works. We have previously concluded that the scheme overall would result in less than substantial harm to Haywood Lodge, a grade II\* listed house. The Council should consider this within the weighing up exercise required of them in paragraph 134 of the NPPF.

#### Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice of 18 February 2016 should also be considered in the context of these enabling works in order for the application to meet the requirements of Section 12 of the NPPF. In particular we advise that in determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. We also advise that you consult with your archaeological advisor regarding an appropriate scheme of archaeological mitigation.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

#### 4.2 Historic England (September 2018)

Advice offered in September 2018 is identical to that reported at 4.1 above.

#### 4.3 Natural England (August 2018)

As submitted, the application could have potential significant effects on River Wye Special Area of Conservation (SAC) Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment Screening Report
- Information on the proposed means to ensure that surface water run-off is controlled to prevent silt or other pollutants entering watercourses.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta. Read the case (ref: C-323/17).

The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions.

Natural England's advice on other issues is set out below.

#### Internationally designated site

The application site is within the catchment of the River Wye Special Area of Conservation (SAC) a European designated site (also commonly referred to as Natura 2000 sites), and the River Wye Site of Special Scientific Interest (SSSI) and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Due to the nature of the proposal and the potential pathways (hydrology and air) to the protected designated site, we advise that you undertake a Habitats Regulation Screening assessment and consider whether there is a likely significant effect either alone or in combination.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

#### Other advice

##### Soils and Land Quality

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

#### 4.4 **Natural England (September 2018)**

Awaiting comment following the submission of an Appropriate Assessment.

#### 4.5 Environment Agency (July 2018)

**Flood Risk:** The link road area lies wholly within Flood Zone 1, the low risk Zone, i.e. land assessed as having a less than 1 in 1,000 annual probability of river flooding (<0.1%).

However there are at least two ordinary watercourses shown flowing in a northerly direction, the Withy Brook and Newton Brook. There are no Flood Zones associated with these watercourses on the Flood Map but this is because their catchment size is less than 3km<sup>2</sup> and falls below the scoping of the modelling used on the map. This does not mean that flooding is not an issue in these locations.

Given the fact that the Withy Brook and Newton Brook flow through urban areas in the south of Hereford prior to discharging in to the River Wye, it is key to demonstrate that run-off rates and volumes into these watercourses will, as a minimum, be no greater than greenfield rates. The Lead Local Flood Authority (LLFA) are responsible for managing flood risk from surface water and groundwater within their area. As such we would expect your Land Drainage team to lead on and approve the surface water drainage strategy for the road scheme, including these proposed infrastructure modifications.

**Water Framework Directive (WFD):** Both the River Wye and the Norton Brook are End 2 classified and being potentially at risk under the Water Framework Directive (WFD). It is imperative that the proposed development, and the construction phase, do not impact upon these water bodies and cause further deterioration, with betterment offered where possible.

**Pollution Prevention:** Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which includes Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

**Export & Import of wastes at site:** Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

#### 4.7 Environment Agency (Sept 2018)

Re-consulted on amended plans – no response received at time of writing.

#### 4.8 Network Rail (August 2018)

Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

The applicant should be made aware that the headroom of the underline bridge proposed to be used is recorded as 4.692m, but does not have height restriction signs on it. This will need to be considered for vehicle movements.

##### DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground

- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

#### BRIDGE STRIKES

Applications that are likely to generate an increase in trips under railway bridges may be of concern to Network Rail where there is potential for an increase in 'Bridge strikes'. Vehicles hitting railway bridges cause significant disruption and delay to rail users. Consultation with Network Rail's Asset Protection Engineers is necessary to understand if there is a problem. Developers may be asked to pay for bridge protection barriers.

#### GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

#### EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

#### ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

#### 4.9 Network Rail (August 2018)

Re-consulted on amended plans – no response received at time of writing.

## **Internal Council Consultations**

### 4.10 Service Manager Built and Natural Environment **Historic Buildings Officer (August 2018)**

#### Recommendations:

We have no objections to the proposals on heritage grounds as the proposals would not impact those aspects of the setting of listed buildings which contribute to their significance, however we would ask that suitable conditions are imposed to require reinstatement of the land after the elapsed temporary use of the haul route. We would also ask for appropriate conditions regarding control of noise and dust as these are key factors which could affect the setting of heritage assets in the area. We would defer to our colleagues in the Environmental health team for this aspect.

#### Background to recommendations:

The proposals are for a variety of small measures such as field gates etc to enable maintenance access and also for a temporary haul route to resolve the potential long travel distance for construction traffic due to the barrier of the railway. The constraints of setting will be very much as previous comments from the building conservation team during the consultation period for the road. In this instance the 2 key heritage assets which have the potential to be affected are Merryhill Farmhouse (Grade 2 C18 stone farmhouse) and grade 2 listed stables and also Haywood Lodge (grade 2\* C18). Merryhill Farm is situated 480m to the SE of the proposed haul route. Of key interest as a contributing factor to the significance of Merryhill Farm is the agrarian setting. The haul route is on the lower side of the slope leading up to Merryhill Farm. Given the distance and topography there is unlikely to be visual impact upon those aspects of the setting of Merryhill Farm which contribute to its significance. Haywood Lodge is situated 370m to the SW of the southern extent of the haul route. It is felt that there is potential for a temporary visual impact upon the agrarian setting of this building, as such we would ask for conditions to be imposed requiring that the temporary haul route is removed after the road has been constructed.

For both main heritage assets in the vicinity the noise and dust created by construction traffic could impact upon the appreciation of the rural tranquillity of the assets, a key aspect of setting which contributes to the significance of both sites. We would defer to our colleagues in the environmental health team for advice on this matter and suitable control measures.

### 4.11 Service Manager Built and Natural Environment **Historic Buildings Officer (September 2018)**

These comments should be read in conjunction with previous comments on the proposals.

We have no further comments on the proposals to make, other than conditions relating to time scale should be imposed in relation to those aspects of the scheme which are temporary in nature.

### 4.12 Service Manager Built and Natural Environment **Archaeology (July 2018)**

The majority of what is proposed here relates to works of a temporary nature, or to areas of comparatively low sensitivity as regards archaeology.

Care will be needed as regards the "new bridleway" indicated on *Sheet 9* south of Grafton. This bridleway crosses a non designated heritage asset of interest, a motte in enclosure site (HER ref 10467).

It is not readily apparent from the details submitted whether this bridleway would simply be a route, or whether it is proposed to strip and stone it. If the latter was the case, I would advise that a non invasive method of construction is employed here (e.g. a minimal scrape, followed by stone carefully placed on surface geotextile etc). This would protect the interest of the asset.

4.13 Service Manager Built and Natural Environment  
**Archaeology (August 2018 – amended plans)**

I have no further comments to make arising from the amended and additional information supplied

4.14 Service Manager Built and Natural Environment  
**Landscape Officer (August 2018)**

Having reviewed the submitted drawings I do not anticipate significant adverse visual effects associated with these minor works. However in order to assess the landscape impact I do seek clarification on a number of points:

- The remedial works proposed in respect of the temporary haul road – these should be shown upon a landscape plan.
- The extent of proposed woodland removal for the construction of a maintenance track as shown on sheet 4 of the plans.
- The extent of hedgerow removal for the provision of self closing gates and adequate visibility at the entrance to the bridleway as shown in plan 8.
- The full extent of hedgerow removal to provide field access gates and visibility splays proposed within drawings on sheets; 1,4,5,7,8 and 10

4.15 Service Manager Built and Natural Environment  
**Landscape Officer (September 2018)**

Following on from my previous comments I have now reviewed the amended plans and have read these in conjunction with the appendices of the arboricultural report. I am now satisfied that the queries raised have been adequately addressed:

- The reinstatement of the haul road to natural landscape on completion of the construction phase.
- The extent of woodland and hedgerow removal to facilitate access points.

The hedgerow loss for the access points is shown to be localised and where there is greater removal for the installation of the haul road this will be reinstated.

I am therefore satisfied that these additional elements to the parcels of land along the Southern Link Road corridor are compliant with policy LD1 of the Core Strategy.

4.16 Service Manager Built and Natural Environment|  
**Tree Officer**

Having read the Arboricultural Report and viewed the amended plans I am satisfied that there is minimal arboreal impact. I acknowledge that one tree, T55 is to be removed but it has been categorised as Class C in accordance with BS5837:2012 Tree in relation to Design, Demolition and Construction and I therefore have no objection to its refusal.

Similarly I do not have any objections to the partial removal of the woodland, ref W3 in the Arboricultural report.



Additional comment: T86 is also identified in the arboricultural method statement to be removed. This is a category C1, semi tree of limited value therefore its removal is not a major constraint.

4.17 Service Manager Built and Natural Environment  
**Ecology (September 2018)**

*General ecological comment*

I understand these access works to be the necessary precursor to the approved scheme and that the primary access for construction and moving between sites is rightly considered as a separate application. Consequently, my comments relating to mitigation of access and protected species are laid out below. I do not envisage that degradation of habitat, particularly of Hayleasows Wood or of Newton Brook. The red line boundary within which construction is contained does not encroach upon Hayleasows and the intended works will only result in the removal of a small oak T86 with Root Protection Area exclusion in force to T47. A terminal portion of H14 is to be removed; mitigation and appraisal of hedgerow removals are to be properly evaluated via a method statement as requested by nonstandard condition mentioned below.

The potential impacts upon Newton Brook and other water courses is also to be addressed by a site parcel-based requirement for Construction Environmental Management Planning for the application. This is also governed by industrial standards and the necessity to avoid any silt or pollutant run-off from operations as it would be for the approved scheme.

It is my understanding that hydrological effects of the road scheme necessitating construction of retention ponds will not re-direct, reduce or amplify existing water status to the existing woodland habitats. I have no reason to think this will be any different from their construction; the management of water flows has to be balanced to achieve the required flows to watercourses commensurate with the existing flows and regulated both during and after construction of these additional sites as it will be for the main road development. For the management of correct post construction run-off of surface water from the road's hard surfacing it is essential that hydrological details are properly evaluated to avoid landscape disparities in flow which is the remit of the drainage engineers to ensure.

*Hedgerows and access.*

The Arboricultural Method Statement - Works Relating to Access and Drainage documents hedgerows affected by the need to create access to fields during and post-construction of the southern link road. The arboricultural report states that "...any relevant ecological requirements will be strictly adhered to." By this I take to mean continuity for bat commute/foraging and any other protected species use of the hedgerow will be properly mitigated for.

The June 2018 Preliminary Ecology Assessment report states that "The PEA will inform proposals for works outside the redline boundary for the consented scheme." The above hedgerows are not referred to by a numbering system in this ecology report. This ecology survey report states "Due to the relatively minor land take associated with the Proposed Development and its close affiliation to the Scheme it is considered that no additional mitigation is required for foraging or commuting bats."

However, it is important to identify more specifically whether access through these hedgerows may affect protected species particularly near bat commute routes. Therefore, this should be evaluated and documented by securing a non-standard condition for method statements for protected species where not included in the approved scheme. Hedgerows affected should be cross-referenced to the original hedge numbering of the ES produced for the approved

scheme for 151314 where relevant. I would therefore recommend that the following non-standard condition is attached to any approval:

Prior to commencement of development, method statements for the land parcels indicating the potential impact of the access and hedgerow works are necessary shall be submitted for approval in writing by the local planning authority. This should include any additional mitigation/surveys necessary for protected species affected by the work.

Reasons:

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

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

### *Great Crested Newts (GCN)*

The GCN protected species licence application provisionally agreed by Natural England appears to satisfy protected species requirements in relation to potential habitat loss identified for GCN. I am happy that the great crested newt report dated April 2018 encompasses the necessary mitigation for this licensing in relation to the approved scheme as well.

With regard to potential construction works impacts I recommend that each of the additional parcels for development have specific Construction Environmental Management Statements documenting the means by which storage of materials, fuels and machinery will be regulated to reduce any effects from the access and accessory works proposed. This should also include detailed schema for surface run-off, dust and associated impacts on surrounding habitat and watercourses. There is concern about how such additional works might affect hydrological regimes at these sites and water quality thereof. Consequently I suggest the following non-standard condition is applied to any approval:

Prior to commencement of development, a Construction Environmental Management Plan documenting construction impacts for each of the cited land parcels 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.

Reasons:

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

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

An HRA Appropriate Assessment has been completed on the basis of the above and sent to Natural England for comment.

4.18 Environmental Health Manager  
**Noise and Nuisance**

My comments are with regard to potential noise and nuisance issues that might arise from development.

Our department is in receipt of the noise and air quality assessment dated May 2018 with associated site maps associated with planning application 182314 relating to access arrangements and provision of a temporary haul route.

An assessment has been made of the noise impacts of the provision of a temporary haul route for the moving of earth associated with embankment works as opposed to using the existing road network. This assessment finds that the closest residential premises are less likely to be impacted by the provision of a temporary haul route as against the use of the existing road network. As such as our department has no objections to this proposal on noise grounds.

4.19 Environmental Health Manager  
**Noise and Nuisance**

Our department has been re-consulted with regard to an alteration to plans for works access reference 182314, we have no further comments to make after the response of 19th July

4.20 Environmental Health Manager  
**(Contaminated Land)**

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Given what's proposed, the following condition should be appended to any approval as a precautionary measure.

Recommended Condition: If during the course of the development unexpected contamination not previously identified is found to be present at the site then the work shall be stopped and no further development shall be carried out unless or until the developer has submitted a written method statement to be approved in writing by the local planning authority. The method statement shall include details about how the unexpected contamination shall be dealt with. Thereafter the development of the site will be carried out in accordance with the appropriate method statement.

Reason: In the interests of human health.

4.21 **Public Rights of Way Officer**

Proposed Site Plan Sheet 9 (3512983BP-WSP-Z0-XX-DR-T-00009): This plan identifies the installation of three bridle gates on the proposed bridleway running between two points on Grafton Lane. It also identifies the need for appropriate signage at each terminal point. I agree that the two gates situated at the terminal points on Grafton Lane should be one-way opening and the intermediate gate, 2-way. Please note that the gates should comply with British Standard BS5709:2018 including requirements for set-back distance and manoeuvring space.

Proposed Site Plan Sheet 3 (3512983BP-WSP-Z0-XX-DR-T-00003): This plan identifies impacts on Public Footpath HA7, Byway Open to All Traffic GF7 (Merry Hill Lane) and Cycleway LCR82101 (Shaw's Path Cycleway). Temporary Traffic Regulation Orders will be required to effect closures of these routes during construction. I note the intention to provide

an alternative route for the cycleway to link to Merry Hill Lane to be made available on HC owned land. Responsibility for maintaining such an alternative route during the period of closure will sit with HC, presumably with the construction team.

Proposed Site Plan 6 (3512983BP-WSP-Z0-XX-DR-T-00006): No new impacts on Public Footpath HA3 and its proposed diversion are identified. No further comments.

I am not aware of any new impacts on PROW in the remainder of the consultation documents and have no further comment

#### 4.22 Transportation Manager (August 2018)

Recommendation: Further information is required (August 2018) – comments in table below:

Site no.	Drawing no/ref	Location	Comments
1	Sheet 1	Grafton Lane	Access location is fine, conformation required on achievable distances required for conditions
2	sheet 2	Grafton Lane (adjacent to Wither Brook)	Is restricted by house wall, visibility splay distances need to be provided for conditions
3	Sheet 3		No vehicle access points
4	Sheet 4	Haywood Lane	Need speed data, significant hedge removal required. How much is in highway land or is owned by applicant/LA. Visibility splays are based on the signed speed limit not the actual 85th%tile.
5	Sheet 5	Haywood Lane	Need speed data, significant hedge removal required. How much is in highway lane or is owned by applicant/LA. Visibility splays are based on the signed speed limit not the actual 85th%tile. Bridge barriers appear to be restricting visibility splays
6	Sheet 6		No vehicle access points
7	Sheet 7	A465	No location shown of the advanced direction signs. Will the access be put in before the roundabout, if after RB speeds will be lower? Visibility splay distances need to be provided for conditions. Justify the speeds and visibility splays
8	Sheet 8	B4349	Further details should be provided in regards to the access on the new road (with visibility splays) . What type of access will be provided for this stretch of road e.g. access only? Will the road be narrowed? Large removal of hedgerow to meet visibility splays on the southern side. Clehonger court side - previous accidents cluster site. A turning head is required especially for people who go there by mistake. Issues with location of access and bend signs.
9	Sheet 9	Grafton Lane	Visibility splay distances need to be provided for sites for conditions. The requirement about of hedgerow which needs to be removed needs to be shown. (both accesses) the visibility splays need to be supported by speed data
10	Sheet 10	Off the B4349	Location of gates could be problematic for long vehicles exiting the field, therefore at the junction the vehicle would not be 90 degrees to the carriageway/junction, visibility splay distances need to be provided for conditions.

#### 4.23 Transportation Manager (September 2018)

The following comments have been made regarding the updated submitted plans. The speeds data and visibility splays have updated to show distances using the 85th%ile speeds meeting Manual for Streets 2, therefore previous comments regarding this issue have now been dealt with. Concerns regarding uses of the proposed accesses have been reviewed and justified and are now acceptable.

Drawing no/ref	Location	Conditions	Comments from submitted drawings - August 2018
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00001-P04 Sheet 1	Grafton Lane	This is now acceptable, please see conditions below	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval. .
		CAB - 2.4 x 31.7M – NORTH, 2.4 x 48.2 – South CAE, CAD -5M CAS, CAZ	Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access the visibility splays are now agreed.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00002-P04 Sheet 2	Grafton Lane (adjacent to Withy Brook)	This is now acceptable, please see conditions below	The submitted documents state that a north visibility splay can only achieve 33m however as shown in Mfs2 visibility splays can measure to the running lane of the road, therefore can achieve a greater distance
		CAB - 2.4 x 31.7M – NORTH, 2.4 x 48.2 – South. CAE, CAD -5M CAS, CAZ	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval. .
			Access has now been located within the red line.
Sheet 3			No comments, No vehicle access points

<p>Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00004-P04 Sheet 4</p>	<p>Haywood Lane</p>	<p>This is now acceptable, please see conditions below</p>	<p>After revisiting the site to look at the issue of vegetation around the visibility splay, there are still concerns regarding the vegetation to the north of the access restricting the visibility splay. The visibility splay should be cut back to provide improvements to the current visibility splay however It is noted that it's an existing access and has very limited current use which won't significantly increase with the proposals. A traffic management plan and construction management must be conditioned as this may be used as an alternative haul road to the construction site and therefore significantly increase vehicles from a substandard access. Visibility splays have now been provided with 85th%tile speeds.</p>
		<p>CAB - 2.4 x 101M – NORTH, 2.4 x 95.5m – South, CAE, CAD -5M CAS, CAZ. Construction management plan for Haul Road</p>	<p>The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval. .</p>
			<p>On the notes and drawings shows the following statement "Assumed seasonal clearance of verges with HC ownership" This will be classed as highway land and come under the associated actions as all highway land.</p>
<p>Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00005-P04 Sheet 5</p>	<p>Haywood Lane</p>	<p>This is now acceptable, please see conditions below</p>	<p>Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access, the types of vehicles which will use the access and the verge width in front of the site the visibility splays are now agreed.</p>
		<p>CAB - 2.4 x 94M – NORTH, 2.4 x 57m – South. CAE, CAD -5M CAS, CAZ</p>	<p>On the notes and drawings shows the following statement "Assumed seasonal clearance of verges with HC ownership" This will be classed as highway land and come under the associated actions as all highway land.</p>

			The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00006-P04 Sheet 6			No comments, No vehicle access points
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00007-P04 Sheet 7	A465	This is now acceptable, please see conditions below	Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access the visibility splays are now agreed.
		CAB - 2.4 x 139.3M – NORTH, 2.4 x 156.1– South. CAE, CAD -5M CAS, CAZ	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00008-P04 Sheet 8	B4349	This is now acceptable, please see conditions below CAB - 2.4 x 30m, CAE, CAD -5M CAS, CAZ	It should be noted that the concerns regarding the lack of a turning head for service/waste vehicles are still concerns. Even with the proposed closure of the road to motor vehicles, the road will still service 14 dwellings. This section is not subject to this current planning application; however discussion with the design team should be undertaken to remove this safety concern in designing the NMU area. The turning head discussions should also be undertaken regarding Pykeways. Discussions regarding the ownerships of land if there are two hedgerows and location of Statutory Undertakers equipment should also be discussed with the design team

Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00009-P04 Sheet 9	Grafton Lane	This is now acceptable, please see conditions below	Visibility splays have now been provided with 85th%tile speeds. Due to the limited use of the access the visibility splays are now agreed. The south access - southern direction could benefit with moving the gate further west to increase the visibility splays. The current layout of the road has a large area which users of the bridleway will naturally head towards to increase the visibility on the highway verge, therefore the visibility splays are agreed.
		NORTH ACCESS CAB - 2.4 x 31.7M – NORTH, 2.4 x 62.5– South, CAE, CAD -5M CAS, CAZ	
		SOUTH ACCESS - CAB - 2.4 x 42.9M – NORTH, 2.4 x 29M– South, CAE, CAD -5M CAS, CAZ	The table shown in the letter dated 15th August 2018 provides a statement to how the accesses are to be built to road construction, however the updated drawing submitted shows construction details which are not to HC road specification. The required specification can be conditioned as part of any approval.
Drawing no. 3512983BP- WSP-ZO- XX-DR-T- 00010-P04 Sheet 10	Off the B4349	This is now acceptable, please see conditions as follows. CAS, CAZ	No issues subject to conditions.

#### 4.24 Land Drainage Consultant (August 2018)

We have reviewed the information provided as part of application 182314 – in particular ‘Plan 2’ (attenuation basin and outfall to Withy Brook) and ‘Plan 6’ (3 outfalls into a ditch and enlarging and existing culvert from 2x150mm pipes to a 500mm pipe).

We have no objections to these proposals. We would expect to see further details regarding the sizing of the attenuation pond as part of conditions.

The Applicant should be aware that Ordinary Watercourse Flood Defence Consent will need to be obtained from Herefordshire Council for the works to the culvert and for outfalls to any ditches or watercourses.

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



#### 4.25 **Land Drainage Consultant (August 2018 – Amended Plans / additional info)**

We have no further comments for 182314.

#### 4.26 **Emergency Planning Officer (July 2018)**

I have contacted key emergency service partners: Police, Fire, Ambulance. The only response that I have had was from West Mercia Police, who have said:

"request to be involved in any discussions & progress update meetings as the project progresses to ensure we are aware of the impacts it is having on the surrounding road network, particularly on the A49/A465"

#### 4.27 **Emergency Planning Officer (August 2018)**

I have reviewed the proposed changes relating to the above planning application. I have no comments from a local authority emergency planning perspective. I have **not** circulated the amended proposals to other Emergency Services at this time due to the limited impact that they will have on their respective roles if approved

### **5. Representations**

#### 5.1 **Callow and Haywood Parish Council (4<sup>th</sup> August 2018 – updated)**

In response to the above planning consultation:

1. Bearing in mind the large quantity of information to be digested, the Parish Council feel that the deadline 25.7.18 is unacceptable, particularly in the holiday season. We note that you are unwilling to provide an extension of time, but the consultation is prejudiced by this decision.
2. Overall the Parish Council feels that there is no evidential information on the anticipated traffic makeup and quantity on the Parishes' rural lanes, particularly Haywood Lane and Grafton Lane. Without this information it is impossible to assess the damage that could be caused to the parishioners by the activities identified.
3. Another element that causes considerable concern is the precise amount of cut and fill and the associated lorry journeys on local lanes. We attach a table of cut and fill information presented as part of the Planning Application plus an overview and summary of that table. The conclusion is that a huge amount of traffic movements will take place on local roads and particularly local lanes to build the road. Indeed, Amey eliminate SC2 (the current SLR route proposed), because of the huge amount of cut and fill with that route selection. They only kept the route on the list to show that they had entertained all options. When Parsons Brinkerhoff replaced Amey they failed to follow Amey's recommendations, possibly due to political pressures?
4. The huge amount of traffic proposed on the local road network will be unacceptably detrimental to local residents, particularly along Haywood Lane, which has through the Neighbourhood Plan process been identified as an unacceptable "rat run" route, which is already over trafficked, without this additional traffic. Additionally, access from the A49 down Grafton Lane (at the junction closest to Hereford) the junction will be hazardous for the proposed traffic during construction.

## 5. Reference specific proposals:

- Sheet 4: entry to permanent maintenance track via access south of railway bridge: it is questioned why such a wide access (5m wide double steel gates, which exceeds existing access, which suffices for combine harvesters). Additional to the industrial appearance of the gates, the concrete curbs generate an urban image in this rural location. We have some concern that any damage to the woodland landscape should be avoided.
- Sheet 5: again the 5 m wide double steel gates gives an industrialised image not suitable for a rural setting.
- Sheet 9: more explanation is needed as to the purpose of the installation of a new bridle way. This is not an objection but required for clarity.
- Appendix1: policy LD4: It is wrong to say that the proposed enabling works will not have an adverse impact on Haywood Lodge, which is Grade 2 starred. The huge number of vehicle movements and massive earthworks will have a dramatic adverse impact on the historic landscape setting of this high-grade heritage asset, which is critically located in the landscape as a former Royal Hunting Lodge.

### 5.2 **Callow and Haywood Parish Council (Sept 2018)**

No response – confirmed with clerk no comments will be made.

### 5.3 **Clehonger Parish Council**

No responses received – confirmed with clerk no comments will be made.

### 5.4 **Hereford City Council**

No responses received.

### 5.5 **Ramblers Association**

The Ramblers Association have no objections to the proposal as put forward by this Planning Application.

However I would seek clarification on the following points:

Sheet 3. The proposal is to alter the junction of the Cycleway and Merry Hill Lane, if travelling south along the cycleway, will users be able to turn eastwards to access Grafton Lane?

The Temporary Closure of HA7 and its routing along Merry Hill Lane would also need the access through to Grafton Lane. Further with concerns for HA7 I would request that a path is provided within the field adjoining Hayward Lane so as to limit the amount of road walking that pedestrians would be required to undertake to reach Merry Hill Lane. If so could access to bridleway HA6 also be provided?

Sheet 9 – There provision of the new bridleway is very welcome but will it be a permanent dedication or just a temporary expedient whilst construction works are taking place?

### 5.6 37 letters of objection have been received from individuals, groups and organisations, including the woodland trust.

5.7 The content of these objections can be summarised as follows:

Biodiversity

- Impact upon Hayleasow Wood (Ancient Woodland) is underplayed
- Ancient woodland should be given the highest protection (NPPF 2018 – para 175)
- No justification for encroachments and should be refused.
- Pollution risk from discharge to Newtown Brook – would need to be regularly checked. No wholly exceptional reasons and there should be more suitable compensation for the damage being caused by this ruinous scheme.
- Grafton Wood – Impacts on the species in Grafton Wood (will disrupt the patterns of local hydrology and soil moisture).
- Why has Grafton Wood not been given same protection as Hayleasow wood in route selection?
- Natural England should be supplied with the information they need and an updated ES should be provided.
- Potential for pollutants (Withy and Newtown Brooks) to increase the pollution risk to local watercourses that lead to / discharge to the River Wye. The haul routes will increase the risk.
- Contrary to para 109 to 125 of the NPPF (2012)
- Hedgerow loss - Object to the loss of hedgerows and risk to protected species, hedgerows qualifying as important under the hedgerow regulations (1997), habitats potentially qualifying as Habitats of Principal Importance.
- More trees and hedges will be removed – removing more of the network of green infrastructure and adding a cumulative effect. Reducing habitats (eg bats) that would be used as alternatives to those already lost.
- No wholly exceptional reason to lose more veteran trees.
- Flood risk - the matter should be considered as part of this application, and not as part of the wider scheme.
- This application does not include maps of the construction compounds at Grafton Wood or details of mitigation measures.
- No badger surveys have been completed.

Highway Safety / Highway matters

- Sheet 10 – New gates will encourage additional traffic on a bend with poor visibility and history of accidents (McIntryes bend). Idea of farm traffic using this is frightening.
- Impacts upon national cycle route 46 between Hereford and Abergavenny – force cyclists up the unmade Merryhill Lane. Essential that the Great Western Way Link is kept open during construction
- Object to new access points onto the Clehonger road, as the Council has refused to allow access to Pykeways from the SLR. Equally dangerous.
- No date on traffic flows for construction traffic. Data being collected in school holidays.
- What happens to public footpath HA7 – will it be closed? No discussion with neighbours or PC. Safe place to stand on a blind bend.
- Lack of commitment or detail on the sustainable transport, active travel measures and in particular those cycling / walking / using mobility vehicles from Clehonger to Belmont. Where will traffic go when it meets the SLR?
- Impact on the public rights of way and safety of Non Motorised transport users – unfairly impacting upon those that do not drive.
- Hereford's roads are vastly overcrowded and this will not manage this with all the new houses proposed.
- Alternative / sustainable transport should be explored and provided first.

### Impacts upon amenity / neighbouring properties

- Key impact is a large attenuation pond on the land adjacent to The Green, Grafton Lane. This is essential infrastructure that should have been included in the original application. Query how this may impact upon the structural integrity of their barn that lies on the boundary.
- The application makes clearer the extent of the earthworks necessary – full assessment of impact not undertaken.
- Is nuisance and cost of earth shifting not far greater than any perceived later benefit (Cost estimates)
- Rational / benefit is insufficient to justify noise, disruption and environmental impacts for which inadequate assessment have been made
- What guarantees are HC prepared to offer local residents in that their water supplies will not be contaminated by the waste and debris from construction?

### Heritage

- Grade II listed Haywood Lodge and ground will be impacted
- What is the impact upon the historic environment and archaeological remains? Is there an evaluation of this? Cannot find any evaluation of this in the application.
- The application does not take into account the new NPPF on conserving and enhancing the natural and local environment (170) nor the fragile biodiversity.
- Service road at Ashley Cottage actually crosses the site of a Mott and Bailey – historic site?

### Waste

- No waste management plan or clarity of waste movements,
- No waste management plan – where will it be taken?

### Procedure

- Note procedural error – incorrect dates on application form (date of service of notice) and LPA does not have the power to override the relevant statutory requirements. Application should be withdrawn and fresh service of notices undertaken.
- Suggestion that the applicant has not served notice on landowners – cannot lawfully be determined until this has happened.

### Southern Link Road

- The details contained in this application are significant and should have been in the original application and should form part of the statement for the public inquiry. (CPO)
- Documents now refer to the SLR as being a part of the Bypass and not a stand alone project as previously promoted. If it is part of the Bypass, then it should only be consented as part of the planning application for the bypass. Otherwise cumulative impacts are less evident and cannot be given full consideration. Sustainable Transport and business case unacceptable – cannot offer the best value for money. No benefits can be or have been identified.
- Questions on application form incomplete or incorrect.
- This application dramatically adds to the mix of 151314 without proper due process of considering the impact on the landscape of both applications together. The Flood Risk Assessment has not been presented for consideration and the applications should be considered together as one.

- Why were these field access points and haul road not included in the original application or the CPO? Why are they adding such large proposals to the original scheme?
- EIA screening must be undertaken before determination.

#### Impact upon agricultural land

- No agricultural assessment, with yet more agricultural land affected. State that Highways England require an Agricultural Impact Assessment before planning application can be presented.
- The Haul Route will deprive Herefordshire of valuable land. Haywood Lane Haul Road will also result in a loss of agricultural production.

5.8 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=182314&search=182314](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182314&search=182314)

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**

### *Background and progress of the SLR*

- 6.1 In 2016, Herefordshire Council granted planning permission for the construction of the Southern Link Road (SLR). A fully detailed Committee Report, site visit and officer presentation informed this decision and the reports and associated documents are available on the Councils website at:  
[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=151314&search=151314](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=151314&search=151314)
- 6.2 Herefordshire Council has 'made' the Southern Link Road Compulsory Purchase (CPO) and Side Road Orders (SRO). This involves serving all affected parties notices in order to acquire the land necessary for the delivery of the Southern Link Road scheme and sets out how side roads and access will be affected by the new road.
- 6.3 The land required for the construction of the road is mainly agricultural land with no homes or buildings being acquired to deliver the scheme and the applicants continue to actively negotiate with all landowners to try and reach agreement for the acquisition of land. It is understood that they have already agreed terms with a number of landowners to purchase their land. However a CPO is needed to give the Council certainty that it can assemble all the land needed if agreement cannot be reached.
- 6.4 The Department for Transport has confirmed a Public Inquiry into the Southern Link Road is scheduled to commence on 30 October 2018. In accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Highways (Inquiries Procedure) Rules 1994, the Council has prepared a Statement of Case which will be presented at the Inquiry in support of thee application to the Secretary of State for confirmation of the Orders. These documents can be seen on the Councils website at:  
[https://www.herefordshire.gov.uk/info/200196/roads/252/hereford\\_2020/5](https://www.herefordshire.gov.uk/info/200196/roads/252/hereford_2020/5)
- 6.5 In the meantime, and as part of the landowner negotiations, the applicant has sought to agree new or alternative accesses to address land access matters that have come about as part of the development of the SLR. The application is a result of these negotiations, which provides an answer in part (at least) to those queries expressed in the representations section as to why the works proposed under this application were not considered with the SLR.

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

- 6.6 In addition, ongoing work to progress to construction phase identified some additional works that are required in respect of drainage. As these are outside of the original 'red edge' they could not be considered as an amendment to the existing permission.
- 6.7 The applicant has also explored alternative solutions as part of their emerging Construction Environmental Management Plans (CEMP) and waste strategy, and this application makes provision for an alternative haul route, that removes the haulage from the local highway network.
- 6.8 The applicants have yet to submit any applications for the discharge of the conditions imposed on the planning permission for the Southern Link Road, although it is anticipated that these applications will be made shortly.
- 6.9 Subject to confirmation that the land has been secured, construction of the road is anticipated to start in early 2019 following the discharge of the relevant planning conditions.
- 6.10 This application seeks to consider the proposals as detailed in Section 1 above. Whilst recognising that some elements of the proposals before Members as part of this application provide alternative technical solutions to drainage and construction, the proposals make no fundamental changes to the route or construction of the SLR and this application does not offer the opportunity to revisit the decision made to grant planning permission for the SLR. Rather it provides technical solutions to address issues that have arisen latterly and thus support the construction of the SLR.

*Policy context and Principle of Development*

- 6.11 Section 38 (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."*
- 6.12 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Callow and Haywood Neighbourhood Area, which has a made Neighbourhood Development Plan (NDP) (December 2016). There are no other neighbourhood plans that have sufficient weight or are adopted.
- 6.13 The National Planning Policy Framework (2018) is a material consideration. Both the development plan and the NPPF seek to achieve sustainable development. Both documents understand this concept as comprising three themes, now referred to as objectives within the NPPF (2018). In the language of the CS, these are social progress, economic prosperity and environmental quality. They are mutually dependent.
- 6.14 Policy SS1 of the CS replicates what is at the heart of the NPPF; namely promoting a presumption in favour of sustainable development. Sustainable development is not defined per se, but can be taken to mean meeting present needs without compromising the ability of future generations to meet their own needs.
- 6.15 Paragraph 11 of the NPPF (2018) states:
- Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:*
- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*

b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas<sup>5</sup>, unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*For decision-taking this means:*

c) *approving development proposals that accord with an up-to-date development plan without delay; or*

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

6.16 The relevant policies of the Development Plan and guidance contained within the NPPF are detailed above in section 2 and will be referred to as necessary in the consideration of the main issues identified below.

6.17 The application does not require the submission of an Environmental Statement as it is not EIA development. However, when determining the application, regard must be had to the context of the application and the permitted SLR scheme

6.18 Given the geographic spread of the works proposed, and the nature of the developments, rather than considering the developments in a topic-by-topic basis, the reports will look at the developments as follows:

1. Haul Route and realignment of cycle route (Sheet 3)
2. Drainage proposals (Sheet 2 and 6)
3. Access proposals (Sheets 1, 4, 5, 7, 8, 9 and 10)

**Haul Route and re-alignment of cycle route (Sheet 3) and Access / Maintenance track off Haywood Lane (Haul Route Option 1) – (Sheet 4)**

*Air Quality and Noise*

6.19 The construction phases of the SLR development were documented and considered in the determination of planning application 151314 and a significant number of conditions were imposed on the planning permission that require the submission of additional details for consideration by the local planning authority prior to the commencement of works. These details are yet to be submitted.

6.20 As described in section 1 above, until such time as a new bridge spanning over the railway line is constructed (Structure Ref. S05) the excavated material will need to be transported in lorries from land west of the railway line to land on the eastern side. It was assumed in the original SLR planning application that materials would be delivered to and from site via the road network (Route Option 1). However, during further discussion with landowners, another

route option, across private land, has been proposed for transporting the excavated material (Route Option 2) – this is the route now proposed by this application.

6.21 The reports identify that the excavation and transportation of material is estimated to take up to 11 weeks to complete, subject to suitable working hours (assumed to be 9:00am to 5:00pm, to be agreed with the Local Planning Authority) and suitable weather conditions. It is assumed that material can be excavated at a rate of 6,000m<sup>3</sup> a week, which results in the likely deployment of 19 dump trucks an hour, to maintain a continual rate of excavation and avoid plant sitting idle. This would result in 38 individual dump truck movements per hour, as vehicles transport materials to and from the site. This would need to take place, whether or not route option 2 is agreed. This simply offers an alternative to remove these trips from the local road network and minimise disruption to local residents and receptors.

6.22 The accompanying report outlines summarises:

*An assessment has been carried out on the likely noise and air quality effects of both Route Option 1 (haulage of excavated materials using the local road network, as assessed within the SLR ES) and Route Option 2 (haulage of excavated materials across private land and crossing Haywood Lane south of the SLR) on local sensitive receptors. The noise and air quality assessments used the noise model and the transport model produced for the ES which was submitted as part of the SLR planning application in 2015. Based on these assessments the following conclusions have been drawn:*

- *Neither Route Option is likely to result in significant effects on air quality in the locality, providing all identified mitigation measures are implemented for the duration of haulage works. It is likely that Route Option 2 will have a lesser effect on residents along Haywood Lane.*
- *Under the noise assessment, Route Option 1 is likely to result in a significant adverse effect on residents of three properties. However, Route Option 2 is not likely to result in any significant adverse effects on any noise sensitive receptors.*

*Mitigation measures have been proposed in order to minimise impacts on nearby receptors. It is assumed that the haulage of materials will be carried out in accordance with the SLR CEMP, which is to be agreed with Herefordshire Council under SLR Planning Conditions 6 and 7.*

*Under the conclusions of both the noise and air quality assessment of the two proposed haulage route options, Route Option 2 is the preferred haulage route*

6.23 The councils Environmental Health Officer has considered the information provided and raised no objections to the inclusion of the alternative haul route. We would, of course, need to carefully consider the more specific issues when the application to discharge conditions imposed on the SLR planning permission. These will be included in the Construction Environmental Management Plan (CEMP) and will include the control of dust effects during construction. A separate requirement for a CEMP relating to this proposal is required and a condition suggested to this effect.

6.24 Officers are satisfied that the proposed haul route is compliant, in terms of noise and air quality, with the requirements of policy SD1 of the Herefordshire Local Plan –Core Strategy.

#### *Highway Impacts*

6.25 As detailed above, the alternative haul route would remove a considerable amount of traffic from the local road network and this is welcomed from a highway safety perspective.

6.26 The haul route would however, temporarily disrupt the cycle network, including the National Cycle Route. The application responds to this and confirms that to allow continued use of the National Cycle Network (NCN) route 46 we are proposing to temporarily divert NCN46 west up



Merryhill Lane to Haywood Lane to re-join the NCN near the point where the two options divide. The diversions is of a comparable length (60m difference) to the existing section of NCN46 and in bringing the western section Merryhill Lane up to a cycleable standard while still deterring its use by motor vehicles, results in an option that will remain available after the SLR construction is complete.

- 6.27 Officers are satisfied that the proposals address the temporary closure of the cycle route during the construction period and note that the solution also offers a longer term alternative route for cyclists and non motorised users in the area. This would comply with the explicit requirements of policy pCH2 of the Callow and Haywood Neighbourhood Plan.
- 6.28 As such, the proposal and its solutions would, with the necessary conditions to ensure the provision of the alternative route before closure and for the duration of the construction period, comply with the requirements of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and NDP.

### *Heritage*

- 6.29 The area in the locality of the proposed temporary haul route is one that was particularly sensitive in the determination of the application for the SLR due to the proximity of a number of designated Heritage Assets and non designated heritage assets on Haywood Lane, including Haywood Lodge, its gates, gate piers, railings and garden wall, a cider and stable, house, hop kiln and stable and Merryhill Farmhouse.

- 6.30 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.”*

- 6.31 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”.
- 6.32 Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area 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”.
- 6.33 The Principal Building Conservation Officer has considered the proposals and raises no objections to the proposals on heritage grounds as the proposals would not impact those aspects of the setting of listed buildings which contribute to their significance. This is caveated that the haul road is temporary in nature and that conditions be imposed to reinstate the land after the temporary use of the haul road ceases and that conditions are imposed relating to the control of noise and dust as these could affect assets during construction period.
- 6.34 The temporary nature of the haul route and disturbance and a suitable scheme for reinstatement is key to coming to this conclusion and it is also worth noting that this temporary route will be in situ when the wider, and more significant works to construct the road are being undertaken and before the longer term mitigation is in place.

- 6.35 Historic England also raises no objection to the proposals contained within this application submission on heritage grounds and defers to the Council's heritage advisors in respect of buried archaeology. The County Archaeologist advises that the majority of what is proposed here relates to works of a temporary nature, or to areas of comparatively low sensitivity as regards archaeology and raises no objection to the proposal.
- 6.36 Officers would therefore conclude that subject to the compliance with conditions, the proposals would not result in harm and would therefore comply with the requirements of policy LD4 of the Herefordshire Local Plan - Core Strategy in that they protect and conserve the heritage assets. This view is formed having regard to the enabling works and the context in which they will be undertaken.

#### *Biodiversity and nature Conservation*

- 6.37 The Council's ecologist has considered the information provided and has not raised any specific concerns or issues in respect of this part of the overall works relating to the provision of the haul route. However, conditions are recommended that would ensure that the biodiversity assets are conserved, restored and enhanced in accordance with the requirements of policy LD2 of the Core Strategy and the guidance contained within the NPPF (2018). The scheme for the reinstatement of the land and hedges will also be important in this area.

#### *Landscape*

- 6.38 The temporary haul road has been designed to run alongside the existing railway embankment and takes into account the existing trees and hedges that will either be protected during construction, or where removal is necessary (small section of hedge to create access), the intention is to reinstate / replant. The Councils landscape advisor is satisfied that, with the appropriate conditions to ensure satisfactory reinstatement of the land, would comply with the requirements of policy LD1 of the Herefordshire Local Plan – Core Strategy and policy CH2 of the Callow and Haywood Neighbourhood Plan.
- 6.39 Comments have also been received concerning the loss of agricultural land during the temporary period. This is a minimal loss, for a temporary period. Its loss, at period of time when significant construction works will be taking place in the immediate vicinity, is not considered to be significant. The benefits of removing traffic from the local road network, away from residential properties must also be considered when conducting the overall balance.

#### **Drainage Works (sheets 2 and 6)**

- 6.40 The most significant change to the drainage proposals outlined in the SLR application is the inclusion of an attenuation basin and maintenance track around the basin's periphery that will form part of the SLR drainage strategy. This drainage strategy has not been included with this application, but will be submitted for consideration and approval by the Local Planning Authority as an application for the discharge of the relevant condition.

#### *Amenity*

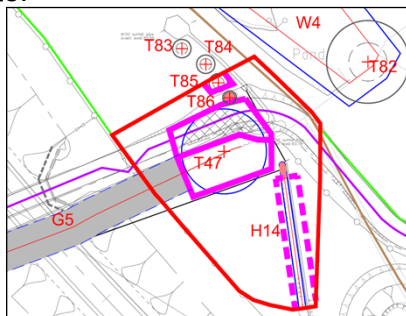
- 6.41 The attenuation pond will be sited on land immediately adjacent to the property known as The Green. The Green is a property that is already affected by the proposed SLR by virtue of its proximity to the approved route. The occupants have raised an objection to the proposed basin that will bring development closer to their property and have sought clarification in respect of structural stability of their barn that lies to the west of the proposed basin.
- 6.42 Officers would suggest that upon completion, the siting of the attenuation pond is unlikely to create additional nuisance or impacts upon residential amenity given the context of the close

proximity of the SLR, the impacts of which have already been identified and considered by Members. However, there may be some additional disturbance from ongoing maintenance regimes and construction phases.

- 6.43 The hedgerow between the site and the property would be protected during construction and retained post construction as mitigation. As per the advice given in the SLR committee report, there will be a significant reliance on the CEMP and the construction methods and mitigations that will be used.
- 6.44 Officers would conclude, that whilst there would be potential for an adverse impact upon amenity as a result of the proposed attenuation basin, this could be mitigated by way of conditions in respect of the CEMP. The proposal would comply with the requirements of policy SD1 of the Herefordshire Local Plan – Core Strategy.

#### *Biodiversity and Nature Conservation*

- 6.45 A number of representations refer to the potential impacts of the development on Ancient Woodland (specifically Hayleasow Wood) due to the proximity of the application site as detailed on Sheet 6. These works relate to the provision of new drainage outfall pipes.
- 6.46 The Council's ecologist has carefully considered the proposals and representations raised in this respect. The red line boundary within which construction is contained does not encroach upon Hayleasow Wood. The intended works will only result in the removal of a small oak T86 with Root Protection Area exclusion in force to T47. A terminal portion of H14 is to be removed; mitigation and appraisal of hedgerow removals are to be properly evaluated via a method statement as requested by non-standard condition described below. The Arboricultural method statement also details the area of root protection around T47 and the area of hedge to be removed (hatched in pink H14). The edge of Hayleasow wood (W4) lies to the north, outside of the application site.



- 6.47 Officers conclude that the relatively minor works, that have come about as a result of drainage design work, and that lie outside of the irreplaceable habitat (ancient woodland), would not result in its loss or deterioration and conditions are suggested, alongside the existing requirement for a CEMP that will further ensure that this is the case.
- 6.48 The potential impacts upon Newton Brook and other water courses is also to be addressed by a site parcel-based requirement for Construction Environmental Management Planning for the application. This is also governed by industrial standards and the necessity to avoid any silt or pollutant run-off from operations as it would be for the approved scheme.
- 6.49 It is also understood that hydrological effects of the road scheme necessitating construction of retention ponds will not re-direct, reduce or amplify existing water status to the existing woodland habitats.
- 6.50 Officers are satisfied that the proposed enabling drainage works would, with the imposition of the relevant conditions to secure working method statements, comply with the requirements of policy LD2 of the Herefordshire Local Plan – Core Strategy and the guidance contained within the NPPF.

- 6.51 Whilst there is some additional work to undertake in relation to the management of flood risk and surface water through a detailed drainage strategy that will relate to not only these proposals but the whole SLR officers are of the opinion that the technical solutions, through careful design and robust ongoing maintenance can mitigate and address the potential impacts in accordance with the requirements of policies SS7, SD3 and SD4 of the CS and guidance contained within the NPPF.

**Access / track proposals (Sheets 1, 4, 5, 7, 8, 9 and 10)**

- 6.52 As part of the landowner negotiations, the applicant has sought to agree new or alternative accesses to address land access matters that have come about as part of the development of the SLR. The application is a result of these negotiations, which provides an answer in part (at least) to those queries expressed in the representations section as to why the works proposed under this application were not considered with the SLR.
- 6.53 The proposals would also seek to address the requirements of policy CH2 Vii of the NDP that states: *Continued access for landowners and farmers is a priority particularly where land holdings are affected by severance.*

*Highway Safety*

- 6.54 The Council's Transportation Manager initially raised some highway safety concerns about some of the proposed accesses and this achievable visibility. In response, the applicants undertook some speed survey work. Representations raise concern that this was done in school holiday time, but as this was speed data rather than collecting information about volumes of traffic, the timing of the survey was considered to be acceptable.
- 6.55 The speeds data and visibility splays have updated to show distances using the 85th%ile speeds meeting Manual for Streets 2 and the plans have been updated to demonstrate the achievable visibility and further explanations of use have been provided.
- 6.56 The Transportation Manager has now confirmed that the concerns regarding uses of the proposed accesses have been reviewed and justified and are now acceptable. The table at paragraph 4.23 details a number of conditions that should be imposed. Given the wide geographical area, and the expectation that the accesses will be introduced at different times during the construction of the build, these conditions are based on a 'sheet by sheet' basis to provide clarity.
- 6.57 As such, officers would confirm that these works, subject to the suggested conditions, comply with the requirements of policy MT1 of the Herefordshire Local Plan – Core Strategy and with the requirements of policy CH2 of the Callow and Haywood NDP.

*Landscape, character and nature conservation*

- 6.58 The Council's Landscape officer sought clarification in respect of hedgerow removal in respect of the proposed accesses. The submitted Arboricultural Method Statement identified that only localised areas of hedge would be removed to create the access points. Extract of the plans were inserted in Section 1 of this report as relevant. Further work establishing visibility splays has clarified that this remains the case, but that normal hedgerow maintenance would be required to 'trim back' and maintain the visibility splays for the accesses.
- 6.59 In addition, one tree would be removed (T55) in relation to the access on the southern side of Grafton Lane that provides access to a parcel of land severed by the SLR. The Council's Tree Officer has confirmed that the tree is a category C and that there is no objection to its loss.

- 6.60 Conditions are suggested to ensure that works are undertaken in accordance with the method Statement and that hedgerows are protected during construction. The Council's ecologist has also suggested a condition that would further reinforce the requirements in relation of biodiversity in relation to the hedgerows.
- 6.61 Representations raise concern about the size and scale of the proposed accesses, some with double gates. These types / size of gates are not unusual for new accesses that are required for accessibility by large modern machinery and allow easier turning movements on and off the highway and improve highway safety as vehicles can pull off the highway to open / close the gate. This benefit can be taken into account. The intrusion that these make visually is not considered to be so detrimental as to warrant refusal of the application.
- 6.62 As such, officers would conclude that the proposed works, subject to conditions, would comply with the requirements of policies LD1 and LD2 of the Herefordshire Local Plan – Core Strategy and policy CH2 of the Callow and Haywood NDP.

#### *Heritage*

- 6.63 As detailed above, the Principal Building Conservation Officer has considered the proposals and raises no objections to the proposals on heritage grounds as the proposals would not impact those aspects of the setting of listed buildings which contribute to their significance and the County Archaeologist also raises no objections. Historic England also raises no objection to the proposals. These comments were not made in respect of the Haul Route alone, and also considered the other Heritage Assets such as Clehonger Court on the B4349.
- 6.64 Officers would therefore conclude that, subject to the compliance with conditions, the remaining proposals would not result in harm and would therefore comply with the requirements of policy LD4 of the Herefordshire Local Plan Core Strategy in that they protect and conserve the heritage assets.

#### **Other matters**

##### *Agricultural Impact Assessment*

- 6.65 A number of representations make reference to the requirement of Highways England for a Agricultural Impact Assessment and this issue was considered in the report for application 151314 (para 6.248). It would seem logical that, as a result of the assessments that have been undertaken that identified severance issues, negotiations have been undertaken with those affected to address the severance and provide new or improved access to the land parcels that have been severed. Officers remain satisfied that the requirements of the DRMB have been met.

##### *Procedural matters*

- 6.66 In representations, and in an email to all ward Councillors, a matter was raised in respect of the inaccuracies of the application form. The Local Planning Authority has taken legal advice and I would clarify the position as follows:
- 6.67 Planning application P182314/CD3 dated 21 June 2018 was submitted along with a completed certificate B, which stated that notification of the application was served on the owners of the application site on 21 June 2018. The application was subsequently validated on 2 July 2018.
- 6.68 It is agreed by all parties that certificate B (as originally submitted) was inaccurate, because the notices to landowners were actually served on 22 June 2018 rather than the 21<sup>st</sup>. The Council notified the applicant's agent of this on 3 August 2018 and the certificate was subsequently amended to reflect the correct date of the notices. Our understanding from the applicant is that the reason for insertion of the incorrect date was a decision made, after

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

submitting the application to the planning portal, to send the letters to the landowners' agents as well as the landowners. This was an attempt to ensure that all relevant parties would be notified by the service of not one, but two letters – one direct to the landowner and one to their nominated agent. The date of these letters was then changed to the 22<sup>nd</sup> June to reflect the day they would be sent. Subsequent letters were again sent in August to both landowners and agents to advise in respect of the error and receipt of amended plans. No landowner has made representation in respect of this application.

- 6.69 The substantive requirements in respect of the service of notices on owners of the application site are set out in Articles 13 and 14 of the Development Management Procedure Order 2015 ("the DMPO"). Article 13 stipulates that "requisite notice" of the application is to be given to the owners of the application site. Article 14 requires that the applicant must certify (in a form published by the Secretary of State or in a form substantially to the same effect) that such notification to owners has taken place.
- 6.70 "Requisite notice" is defined as notice in the form set out in Schedule 2 of the DMPO (or in a form substantially to the same effect). The form of notice in Schedule 2 provides that the owner be allowed 21 days from service of the notice to make representations in relation to the application. It follows that the application must not be determined prior to the expiry of 21 days from the date of service of the notice. However, there is no statutory requirement for the notice to owners to be served prior to, or simultaneously with, the planning application.
- 6.71 Accordingly, notwithstanding the incorrect date of service being inserted in the certificate initially, it is clear that requisite notice of this application has been given to landowners and that appropriate certification of this has been provided (albeit that the original certificate was subject to subsequent correction). Further, officers are satisfied that the irregularity in the certificate as originally submitted has not caused any prejudice to the relevant landowners, or to any other party.
- 6.72 In all the circumstances, officers therefore conclude that the initial inaccuracy in the certificate B does not preclude lawful determination of the application. As regards a criminal offence having been committed, we have no evidence which contradicts the explanation for the error given by the applicant's agent, and officers' present view is consequently that the inaccuracy was not deliberate or reckless.

#### *EIA screening*

- 6.73 The application was accompanied by a request for a Screening Opinion.
- 6.74 This request was considered by the Local Planning Authority in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the guidance on EIA set out in the National Planning Practice Guidance. The NPPG advises that changes or extensions to Schedule 2 development (which the original SLR application was), when considered with the existing development as a whole, may result in significant adverse effects on the environment, or which meet the thresholds or criteria set out in column two of Schedule 2, are also Schedule 2 development and require screening.
- 6.75 Importantly, if it is considered that the change or extension will not lead to other significant adverse effects, taking into account the effects on the development as a whole, screening should not be required where the change or extension does not meet the criteria or thresholds in Schedule 2. In this instance, the threshold of 1ha is met so screening is considered necessary.
- 6.76 This notwithstanding bearing the guidance in mind it is the opinion of the LPA that the proposals are not likely to have a significant impact on the environment by virtue of their nature, scale and location and therefore the proposal does not constitute EIA development.

6.77 Specifically, taking into account the selection criteria in Schedule 3 and the factors set out in the NPPG, it is the opinion of the Local Planning Authority that the proposed development is unlikely to have significant environmental effects with regards to ecology, biodiversity, landscape character or highways. The proposal will however have some localised visual impacts, some of which will be for a temporary period only during the construction period of the road, and effects on the amenity of nearby residents in relation to noise, nuisance and dust. All of these will need to be further considered; however it is considered that these can be dealt with as part of the planning permission.

## **7 Planning Balance**

7.1 Both Core Strategy Policy SS1 and Paragraph 1 of the National Planning Policy Framework (2018) engage the presumption in favour of sustainable development and require that developments should be approved where they accord with the Development Plan.

7.2 Following the granting of planning permission for the Southern Link Road as part of the South Wye Transport Package, the applicants, Herefordshire Council, are seeking planning permission for ancillary works that lie outside the original application boundary. These proposals relate primarily to minor alterations; including the creation of new accesses (including field gates), alterations to property boundary (Pykeways) and alterations to drainage arrangements. These development proposals are resultant of negotiations with landowners to address access issues that would result from the construction of the SLR or are technical solutions as part of the drainage strategy. The construction of the temporary haul route seeks to address the issue of transporting soil from one side of the railway line to the other.

7.3 Sustainable development is sought across three objectives; environmental, economic and social. In this case, the economic and social benefits of the SLR have already been considered and reconciled in the granting of planning permission.

7.4 The key issues in the determination of this specific application relate further to the environmental role and how these additional developments would potentially impact upon the environment and these matters have been explored in the context of the Development Plan and guidance contained within the NPPF (2018).

7.5 Impacts upon designated and non designated heritage assets, biodiversity, and landscape character as key components of the natural and built environment have been taken into account and officers have concluded that they are satisfied that the submitted information demonstrates that, with appropriate conditions in respect of mitigation and reinstatement of land, the proposals accord with the requirements of policies LD1, LD2, LD3 and LD4 of the Core Strategy and CH2 of the Callow and Haywood NDP.

7.6 Matters relating to drainage will continue to form a part of the overall design progression for the Southern Link Road. Whilst there is some additional work to undertake in relation to the management of flood risk and surface water through a detailed drainage strategy that will relate to not only these proposals but the whole SLR officers are of the opinion that the technical solutions, through careful design and robust ongoing maintenance can mitigate and address the potential impacts in accordance with the requirements of policies SS7, SD3 and SD4 of the CS and guidance contained within the NPPF.

7.7 Officers would also advise that, upon receipt of the amended plan and clarification on use, the proposed works that affect the highways and cycle network would, with the relevant conditions relating to construction and visibility, would ensure compliance with the requirements of policy MT1 of the Core Strategy.

7.8 Absent any other harm, the recommendation can only be for approval on the basis that the scheme complies with the Development Plan when read as a whole.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and any other conditions considered necessary:**

- 1. A01 - Time limit for commencement (full permission)**
- 2. B01 – Approved Plans**
- 3. Prior to commencement of development, method statements for the land parcels indicating the potential impact of the access and hedgerow works are necessary shall be submitted for approval in writing by the local planning authority. This should include any additional mitigation/surveys necessary for protected species affected by the work.**

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

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

- 4. Prior to commencement of development, a Construction Environmental Management Plan documenting construction impacts for each of the cited land parcels (sheet 1 to 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.**

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

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

- 5. Prior to the commencement of development relating to the Haul Road (Sheet 3) the following details shall be submitted to and approved in writing by the local planning authority:**
  - Timetable of works (including start, completion, restoration and ongoing**

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management )

- Landscape restoration plan – including soil management, planting and landscape management post completion.
- Details of signage in respect of cycle route alterations / warning signs
- Works to upgrade Merryhill Lane (specifications).

The works shall be carried out in accordance with the approval plans and details.

The works to provide the proposed rerouted cycleway, and upgrade to Merryhill Lane, shall be undertaken prior to the closure of the first use of the haul route hereby permitted.

**Reason:** To comply Herefordshire Council's Policies LD1, LD2, LD3, LD4 and MT1 of the Herefordshire Local Plan – Core Strategy and CH2 of the Callow and Haywood Neighbourhood development Plan and to meet the requirements of the National Planning Policy Framework (NPPF).

**6. CNS – Sheet 1**

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00001-P04 (sheet 1) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors ) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 31.7m to the north and 48.2m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

**Reason:** In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**7. CNS – Sheet 2**

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00002-P04 (sheet 2) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a

specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors ) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 31.7m to the north and 48.2m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

#### 8. CNS – Sheet 4

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00004-P04 (sheet 4) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors ) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 101m to the north and 95.5m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.
- e. In the event that the access is used for a haulage route, a construction traffic management plan should be submitted to and approved in writing by the local planning authority and works shall be carried out in accordance with the approved details.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of

policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

**9. CNS – Sheet 5**

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00005-P5 (sheet 5) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 94m to the north and 57m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

**10. CNS – Sheet 7**

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00007-P5 (sheet 7) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 139.3m to the north and 156.1m for the south. Nothing shall be

planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.

- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

#### 11. CNS – Sheet 8

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00008-P5 (sheet 8) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development
- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 30m to the north and 30m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

#### 12. CNS – Sheet 9

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-00009-P5 (sheet 9) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such

provision shall be retained and kept available during construction of the development

- c. Visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.4m back from the nearside edge of the adjoining carriageway (measure perpendicularly) for a distance of 42.9m to the north and 29m for the south. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described.
- d. Any new access gates shall be set back a minimum 5 metres from the adjoining carriageway edge and shall be made to open inwards.

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

### 13. CNS – Sheet 10

Prior to the commencement of any development shown on drawing number: 3512983BP-WSP-ZO-XX-DR-T-000010-P5 (sheet 10) the following shall be undertaken or details submitted to and approved in writing by the local planning authority:

- a. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.
- b. Before any other works hereby approved are commenced, Parking for site operatives (and visitors) shall be provided in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development

Works shall be undertaken in accordance with the approved plans.

Reason: In the interests of highway safety and to confirm with the requirements of policy MT1 if of the Herefordshire Local Plan –Core Strategy and the National Planning Policy Framework.

### 14. M10 – Unsuspected contamination

#### INFORMATIVES:

#### 1. IP2 –

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have

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**resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**2. N14 – Party Wall**

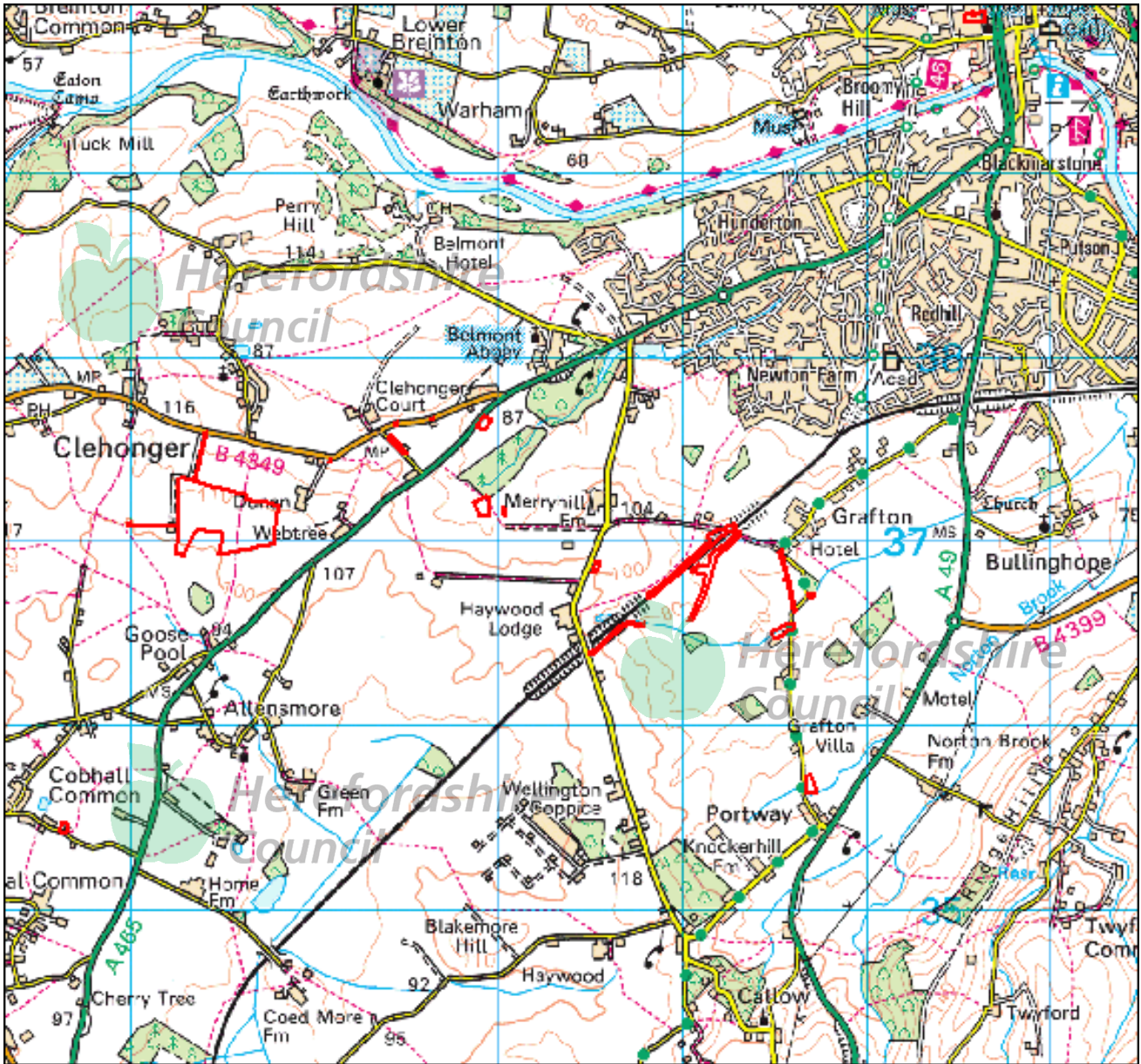
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 182314

**SITE ADDRESS :** MULTIPLE PARCELS OF AGRICULTURAL LAND, SOUTHERN LINK ROAD CORRIDOR (151314) A465 - A49, HEREFORDSHIRE

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