

PLANNING COMMITTEE

Date: 13 January 2016

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

150659 - DEMOLITION OF ALL EXISTING BUILDINGS AND HARD STANDINGS, REMEDIATION OF THE SITE, INCLUDING REINSTATEMENT OR LANDSCAPING OF THE FORMER CANAL AND DEVELOPMENT OF UP TO 120 HOMES, LANDSCAPING, PUBLIC OPEN SPACE, NEW VEHICLE AND PEDESTRIAN ACCESS AND ASSOCIATED WORKS AT HOLMER TRADING ESTATE, COLLEGE ROAD, HEREFORD.

For: The Owner per Mr Ben Stephenson, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL

ADDITIONAL REPRESENTATIONS

Environmental Health Officer: Recommends conditions

The contaminated land assessment reports submitted alongside this application recognise the site to be contaminated due to its previous uses. It is also understood that the adjacent infilled canal is equally likely to contain potentially contaminative material which will need significant consideration as to remedial options in due course.

As and when the project progresses, I would recommend the applicant contact ourselves to discuss further in due course and at an early stage.

With the above in mind I would recommend the following condition be appended to any approval.

1. 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. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the

remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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

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

CHANGE TO RECOMMENDATION

Add the conditions to the recommendation.

151354 - PROPOSED ARCHERY COURSE WITH 3D FOAM ANIMAL TARGETS ON A CIRCUIT THROUGH THE WOODS. TO INCLUDE A RECEPTION AREA, OFF ROAD PARKING AND SERVICED PORTALOO TOILET FACILITIES AT LYNDERS WOOD, UPTON BISHOP, HEREFORDSHIRE

For: Mr F Buchanan, 27 Archenfield Estate, Madley, Hereford, Herefordshire HR2 9NS

ADDITIONAL REPRESENTATIONS

Herefordshire Badger Group (Affiliated to The Badger Trust) has advised that they have been asked to check on the presence of badger setts in Lynders Wood and that there is at least one sett on the site. Subsequent communication between Herefordshire Badger Group's secretary and the Council's Ecologist and Planning Officer has resulted in confirmation that they agree to the recommended condition. They have specified the information that they consider should be provided in any report, including mitigation if required. In addition they have advised that they are happy to assist if required in providing expert advice and help both on the ground and in writing to whoever requires it.

OFFICER COMMENTS

The Council's Ecologist has been reconsulted in respect of the information provided by The Badger Group. The Ecologist has advised that he has already flagged up the need to identify impacts upon fauna (dormice) and ground flora and these are to be covered by condition and recommends that the second condition is amended to include the need to determine the impact upon badgers if they have been demonstrated to be present on the site. The mitigation relating to badgers will be one of the nature of working near any setts. Clearly there will be a need to show where the sett(s) occur and avoid areas with significant

badger activity. The reports requested by condition should contain an assessment of this together with mitigation deemed necessary.

In addition the reasons for conditions 3 and 4 were omitted in the Committee Report and are provided below.

CHANGE TO RECOMMENDATION

Modification of condition 4 to read:

Prior to the implementation of the change of use hereby permitted a report evaluating the impact of the trail upon ground flora and field layer of the woodland and any identified badger activity on the site should be submitted to the local planning authority. Confirmation of the trail route and any required mitigation should be submitted to the local planning authority in writing together with photographic evidence of the measures implemented. The works carried out shall be in accordance with the approved details and mitigation.

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 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan - Core Strategy.

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

Reasons in respect of condition 3 to read:

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policy LD2 of the Herefordshire Local Plan - Core Strategy.

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

152036 - SITE FOR PROPOSED ERECTION OF 27 DWELLINGS INCLUDING AFFORDABLE HOUSING AT LAND ADJACENT TO FARADAY HOUSE, MADLEY, HEREFORDSHIRE, HR2 9PJ

For: Bage Developments Ltd per Mr Bernard Eacock, 1 Fine Street, Peterchurch, Herefordshire, HR2 0SN

CHANGE TO RECOMMENDATION

Change to Heads of Terms:

Delete clause 6 and replace as follows (incorrect policy reference)

6. The developer covenants with Herefordshire Council that 35% (9 on basis of a gross Development of 27) of the residential units shall be "Affordable Housing" which meets the Criteria set out in policy H1 of the Herefordshire Unitary Development Plan or any statutory replacement of those criteria and that policy including the Supplementary Planning Document on Planning Obligations.

Please note that the following tenures will be sought:

- Social Rent
- Intermediate tenure

Delete Clause 9 and replace as follows (incorrect parish references)

9. The Affordable Housing Units must be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

9.1. a local connection with the parish of Madley

9.2. in the event of there being no person with a local connection to Madley any other person ordinarily resident within the parishes of Eaton Bishop, Kenchester, Bridge Sollers, Preston On Wye, Tyberton, Vowchurch, Abbeydore, Kingstone who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate under sub-paragraph 9.1 above.