

PLANNING COMMITTEE

Date: 6 June 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

151314 - NEW SINGLE CARRIAGEWAY (SOUTHERN LINK ROAD) AND ASSOCIATED WORKS AT EXISTING ROUNDABOUT JUNCTION OF THE A49(T) AND B4399, TO A NEW ROUNDABOUT WITH THE A465, THEN JOINING THE B4349,

For: Ms Lane per Miss Amy Hallam, The Forum, Barnfield Road, Exeter, Devon, EX1 1QR

ADDITIONAL REPRESENTATIONS

Five further letters of objection have been received. These do not raise new issues and include a further letter from Jesse Norman MP raising again the queries from Mr and Mrs Harris at Pykeways that have already been reported and also issues raised by Hereford Transport Alliance. This letter can be seen at:

<https://www.herefordshire.gov.uk/documents?id=f5a1ca0b-2335-11e6-96d8-0050569f00ad>

One further letter of support has also been received from 'Herefordshire Business Board' that reiterates comments made in support previously.

The content of all of these additional letters can be seen at:

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151314&search=151314#Representations>

The Neighbourhood Planning Manager has provided an update on the progress of the Callow and Haywood Neighbourhood Development Plan:

The examiner's report has recommended the following modifications that are specific to the Southern link road:

- *Delete the words 'e.g. the route of the proposed Southern Link Road should be designed as a green corridor with a profound zone of tree planting on either side of the road and a minimum of urban features such as lighting' from Objective 4 in Aim 1.*
- *Second sentence, Criterion 9 of policy CH1 has been re-worded – 'Development which involves the removal of existing local orchards or areas of woodland will be strongly resisted unless it can be clearly demonstrated that the need for and benefits of, the development in that location clearly outweigh the loss of these habitats'*
- *Criterion 13 Policy CH1 has been re-worded to "Development proposals must ensure that key features of any views can continue to be enjoyed including distant buildings and natural features or features of importance, areas of landscape and the juxtaposition of settlement edges and open countryside."*
- *In criterion 7 of policy CH2 - insert a full stop after "low carbon technology" and reword the rest of the criterion so that it reads: "Development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area and on the living conditions of residents particularly arising from noise generated by traffic movements."*

- *Also in Criterion 8, policy CH2 - Delete the words "...and in particular the new southern link road..."*
- *Policy CH2, Criterion 8, sub-Criterion ix is to be deleted*
- *Policy CH4 has been re-worded to 'Applications for development which affect or would potentially affect the landscape character and assets in areas of high-medium and high landscape sensitivity identified on Map 6 should be accompanied by an appropriate landscape impact analysis. This will include details of how the proposal would preserve or enhance the landscape character and its assets as well as taking local topography and skyline into account and demonstrate it would not contribute to the urbanisation of the rural area.'*

In addition consideration should be given to the River Wye Special Area of Conservation and development should include appropriate landscape designs to ensure that any potential impacts on local wildlife habitats are minimised. Development that would have an adverse effect on the River Wye SAC will not be permitted.

Development will only be permitted when it does not compromise the ability of the Nutrient Management Plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets, or are at risk of doing so.'

The Callow and Haywood NDP has been successful at examination and subject to the minor modifications being made it can proceed to referendum. It is anticipated that the referendum will be held within summer 2016. The minor modifications have removed the specific reference to the southern link road within policy CH2, so that the policy now provides criteria in general for roads across the Parish.

Therefore considering the advanced stage of the NDP it can be afforded significant weight.

Comments from Service Manager Built and Natural Environment (Arboriculture Consultant) that were obtained very recently are referred to at para 6.169 but not provided in full in section 5. These read as follows:

I have looked in to the guidance for ancient and veteran trees and there seems to be two documents;

- Ancient and other veteran trees – further guidance on management – David Lonsdale/ancient tree forum (2013).
- And older but still relevant, Veteran Trees – a guide to good management – Helen Reid (1999).

In both documents they set out guidelines to identify what veteran and ancient trees are and how they are defined.

Reid states that veteran trees are 'trees with a stem diameter of 1.5m and are valuable in the terms of conservation'. She then goes on to describe indications of a **veteran** tree;

- Major trunk cavities
- Natural forming water pools, decaying holes, bark loss, physical damage to the trunk.
- Large quantity of deadwood.
- Crevices.
- Fungi
- High aesthetic interest

- An old look
- A pollard
- Prominent.

Lonsdale describes it a little differently, he talks about **ancient** trees. He states that 'an ancient tree is one that has one or most of the following;

1. Biological, aesthetic or cultural interest because of its great age.
2. A growth stage that is described as ancient or post mature.
3. A chronological age that is old relative to others of the same species.

He also states;

Ancient trees are also described to have;

- a large girth (for the species), owing to the long-continued accumulation of annual increments
the progressive narrowing of successive annual increments in the stem, associated with sustained diminution of crown volume
- the aging and associated decay (leading to hollowing) of the central wood
changes in crown architecture
- a progressive or episodic reduction in post-mature crown size, often known as retrenchment

Veteran: this term describes a tree that has survived various rigours of life and thereby shows signs of ancientness, irrespective of its age. In order to qualify as a veteran, the tree should show crown retrenchment and signs of decay in the trunk, branches or roots, such as exposed dead wood or fungal fruit bodies.

I visited the site today to have a look at the Oak tree T15. The tree is obviously substantial and appeared to have good overall form and in good condition. When considering it against the criteria above, I consider that it doesn't have most of the characteristics for it to fall in to the veteran status.

However, it does seem to fit in to the ancient tree criteria, as it does have a stem diameter of at least 1.5m, does have aesthetic qualities and is larger (and older) than the neighbouring trees of same species.

From a legislation perspective, there seems to be no protection to a tree in that situation, it is not even classed as a habitat in the UKBAP, although could be protected as part of a TPO. This tree would defiantly warrant this type of protection

OFFICER COMMENTS

Clarification: Nature conservation

A recent letter of objection from Mr Elliot continues to object on the grounds that the survey of woodland plants within Grafton Wood was not carried out in Spring and early Summer as laid out in the ancient woodland planning guidelines but in September. Mr Elliot recently provided a photograph of a plant called 'Adders Tongue ferns' on the edge of Grafton Wood that you can see at:

<https://www.herefordshire.gov.uk/documents?id=e907dcc2-1b6e-11e6-94dc-0050569f00ad>

Officers have now had the opportunity to seek advice on this and can confirm that the plant in question falls within Schedule 8 of the Wildlife and Countryside Act. It is therefore protected against damage etc. Damage or loss should be avoided, but if that is not possible it can be translocated with a licence from Natural England in a similar way to any protected

species. Its presence would not preclude development. Natural England forwarded some links to advice on this matter.

<http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/protectedplants.aspx>

It is officers' opinion that whilst the applicants would need to deal with this matter and obtain the relevant licences (if necessary) it would not alter the advice in respect of the impact and effect on the Ancient Woodland within the report and I would refer Members to the advice of the Ecologist and the recommended conditions.

Clarification - Habitat Regulations Assessment (HRA)

After formal consultation with Natural England and the Council's Ecologist, the Council intends to formally adopt the updated Habitat Regulations Screening Assessment as submitted. This will need to be carried out prior to the issuing of any decision.

Clarification – Traffic Regulation Orders (Belmont Road)

Following receipt of several queries in respect of the inclusion of a weight restriction along Belmont Road, officers would make the following comments:

As part of the Transport Assessment the applicants assumed that the TRO would be in place to restrict HGVs using the A465 Belmont Road. This was included in the modelling that was undertaken. It is the intention to progress this alongside the SWTP (including the SLR).

The applicants have confirmed that they are progressing with the TRO and that they propose to take this forward by consulting with relevant parties such as the emergency services and the haulage association in the coming months. The aim would be to have the TRO in place in time for the opening of the SLR.

The current TRO options being discussed are:

- Weight restriction under Great Western Way Railway Bridge only. This does not require 'except for access'
- Weight restriction between Great Western Way bridge and Asda Roundabout – this would require 'except for access'
- Weight restriction between new SLR roundabout and Tesco Roundabout – this would require except for access

A Traffic Regulation Order would not normally be covered in the planning application as it relates to a separate process outside of the control of the planning permission.

However, in the worst case scenario, the TRO is not considered to be mitigation that would be required for the proposed development but what it does do, is to ensure that HGV's use the SLR in preference to the A465. There is a clear desire, from the applicants and as expressed by the Ward Councillor for the area and the City Council to progress this proposed TRO.

The weight restriction would need to be delivered as part of the wider South Wye Transport Package. The South Wye Transport Package is reliant upon the delivery of the SLR.

CHANGE TO RECOMMENDATION

The recommendation should be altered to read:

That subject to confirmation that the Secretary of State does not wish to request a call in of the application and the completion of the Habitat Regulation Assessment, that officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions considered necessary;

Condition 11 - Landscape

Insert: 'on the principle set out in, but not confined to:

- **Draft Construction Environmental Management Plan April 2015 (all mitigation set out in here)**
- **BS5837 Arboriculture Report April 2015 (showing tree constraints plan)**
- **BS5837 Tree Protection Plan sheets 1-4 (showing RPAs)**
- **Proposed Public Right of Way Network Drawing no. TRP/02/02 (Shows existing and proposed PROW)**
- **Landscape Principles document (sets out principles of mitigation)**
- **Landscape Mitigation at Haywood Lodge (drawing showing embankment at railway)**
- **Landscape Mitigation Response December 2015 (response to HE suggesting alternative mitigation)**
- **Landscape Mitigation Proposals Figure 7.4.1 Revision C (final drawing showing mitigation)**

Condition 12 - altering part (i) " items" to assets. Secondly I would suggest altering section (iii) "objects and relics" to finds and features.

Conditions 13 and 14 - Drainage

The reasons for the conditions have been omitted and should be included as follows:

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment so as to comply with Policies SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework