

**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 21 November 2018 at 10.00 am**

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

**Councillors:** PA Andrews, BA Baker, CR Butler, PJ Edwards, KS Guthrie,  
EL Holton, JA Hyde, FM Norman, AJW Powers, D Summers, EJ Swinglehurst  
and SD Williams

**In attendance:** Councillors JG Lester and RJ Phillips

**61. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors DW Greenow, TM James, MD Lloyd-Hayes, NE Shaw and WC Skelton.

**62. NAMED SUBSTITUTES**

Councillor PA Andrews substituted for Councillor TM James, Councillor JA Hyde for Councillor DW Greenow, Councillor D Summers for Councillor MD Lloyd-Hayes and Councillor EJ Swinglehurst for Councillor NE Shaw.

**63. DECLARATIONS OF INTEREST**

**Agenda item 6 – 181975 – Land at Stone Farm, Felton**

Councillor Powers and Councillor Summers declared other declarable interests as they knew one of the speakers on behalf of the Parish Council.

Councillor J Hardwick declared an other declarable interest as he knew the applicant and the family.

Mr K Bishop, Lead Development Manager, declared an other declarable interest because he knew the applicant's agent who had formerly worked for the Planning Department.

**Agenda item 7 – 181978 – Land adjacent to Stone Farm, Felton**

Councillor Powers and Councillor Summers declared other declarable interests as they knew one of the speakers on behalf of the Parish Council.

Councillor J Hardwick declared an other declarable interest as he knew the applicant and the family.

Mr K Bishop, Lead Development Manager, declared a non-pecuniary interest because he knew the applicant's agent who had formerly worked for the Planning Department.

## **Agenda item 9 – 181237 – Land at Little Fields, Bridstow**

Councillors Cutter, Hardwick and Swinglehurst declared schedule 2 interests as members of the Wye Valley AONB Joint Advisory Committee.

It was noted that most members would know the applicant's agent for applications 181975 and 181978 because he was a former employee of the council and that most members would know the person speaking on application 181237 because of the position he had held in the county.

### **64. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 10 October 2018 be approved as a correct record and signed by the Chairman.**

### **65. CHAIRPERSON'S ANNOUNCEMENTS**

None.

### **66. 181975 - LAND AT STONE FARM, FELTON, HEREFORDSHIRE, HR1 3PW**

*(Proposed residential development comprising 3no self-build dwellings and associated works.)*

The Development Manager gave a presentation on the application.

In accordance with the criteria for public speaking, Mr G Blackmore, of Ocle Pychard Parish Council spoke in opposition to the Scheme. Mr R Edwards, a local resident, spoke in objection. Mr M Tompkins, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor JG Lester, spoke on the application. He informed the Committee that because of a personal reason he would have to leave the meeting shortly. His comments would therefore also be of relevance to application 181978 also at Stone Farm, the next application on the Committee's agenda, which, whilst a separate application, was interlinked.

He made the following principal comments:

- He considered that both schemes had merit. They were contrary to two local policies. However, he questioned whether they were contrary to the definition of sustainable development at paragraph 8 of the National Planning Policy Framework (NPPF).
- He noted the benefits arising from the mix of housing proposed, the self-build element of the first application and the affordable housing element of the second application.
- The land was not identified for development in the draft Neighbourhood Development Plan (NDP). The production of an NDP took a considerable amount of effort and the Parish Council and the person speaking in objection had highlighted the inconsistency with the NDP.
- There were objectors to and supporters of the proposals.
- He noted the proximity to the A417, referred again to issues of sustainability and the proximity to other community assets.
- The question was whether the local policies carried sufficient weight to outweigh the benefits of the schemes.

In the Committee's discussion of the application the consensus was that the scheme was contrary to policy and the benefits of the scheme were not sufficient to outweigh this conflict.

The Lead Development Manager commented that the Committee had weighed the merits of the scheme and balanced that against the weight that could be given to the NDP.

The local ward member was given the opportunity to close the debate. He indicated that he considered the Committee had weighed the material considerations.

Councillor Edwards proposed and Councillor Swinglehurst seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 14 votes in favour, none against and no abstentions.

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

1. **The proposed development lies beyond the defined settlement boundaries for Ullingswick and Burley Gate, contrary to Policy OPG2 of the emerging Ocle Pychard Group Neighbourhood Development Plan. The applicant has not provided any evidence to suggest that the proposal is to be considered under any exceptional circumstances, other than self build which is not identified as an exceptional circumstance in Policy RA3. It represents development in the open countryside without any exceptional justification and is thus also contrary to Herefordshire Local Plan – Core Strategy Policy RA3. The proposal is at odds with the strategic approach towards housing allocation in the rural areas and as a result, the proposal does not represent a sustainable form of development and is contrary to Policies SS1, SS6, RA2 and RA3 of the Herefordshire Local Plan and the National Planning Policy Framework**
2. **In light of the conflict with the local planning authority's approach towards strategic housing allocation in its rural areas, the landscape impacts caused are unwarranted. The development would result in a degree of domestication in a countryside setting that cannot be adequately mitigated. It is therefore considered that the proposal is contrary to Herefordshire Local Plan - Core Strategy Policy LD1, OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan, 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 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(s) for the refusal, approval has not been possible.**

**67. 181978 - LAND ADJACENT TO STONE FARM, FELTON, HEREFORDSHIRE, HR1 3PW**

*(Proposed residential development comprising 8no dwellings and associated works (4no affordable dwellings, 3 no self-build dwellings and 1no open market dwelling.)*

The Development Manager gave a presentation on the application. He highlighted that certain elements of the application were shared with application 181975, the subject of the previous agenda item. A key difference was the provision of 4 affordable houses and consideration of the weight to be attributed to this factor.

In response to a question he confirmed that the two applications were separate applications and the Committee could properly consider whether the planning balance for the second application was different from the first.

In accordance with the criteria for public speaking, Mr G Blackmore, of Ocle Pychard Parish Council spoke in opposition to the Scheme. Mr R Edwards, a local resident, spoke in objection. Mr M Tompkins, the applicant's agent, spoke in support.

As referred to in consideration of application 181975, the previous agenda item, the local ward member, Councillor JG Lester, had had to leave the meeting. His comments on the previous application had been applicable in part to this application.

In the Committee's discussion of the application the consensus was that the site was in the open countryside and the proposed affordable housing would not be near to services and would therefore be unsustainable. The scheme was contrary to policy and the benefits of the scheme were not sufficient to outweigh this conflict.

The Lead Development Manager clarified that there were dwellings in the area and the site could not therefore be classified as isolated. It was, however, in the open countryside. He also highlighted the provisions of policy H2.

Councillor Guthrie proposed and Councillor Holton seconded a motion that the application be refused in accordance with the printed recommendation. The motion was carried with 14 votes in favour, none against and no abstentions.

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

- 1. The proposed development lies beyond the defined settlement boundaries for Ullingswick and Burley Gate, contrary to Policy OPG2 of the emerging Ocle Pychard Group Neighbourhood Development Plan. The applicant has not provided any evidence to suggest that the proposal is to be considered under any exceptional circumstances, other than self build which is not identified as an exceptional circumstance in Policies RA3 and H2. It represents development in the open countryside without any exceptional justification and is thus also contrary to Herefordshire Local Plan – Core Strategy Policy RA3. The proposal is at odds with the strategic approach towards housing allocation in the rural areas and as a result, the proposal does not represent a sustainable form of development and is contrary to Policies SS1, SS6, RA2 and RA3 and H2 of the Herefordshire Local Plan and the National Planning Policy Framework**
- 2. In light of the conflict with the local planning authority's approach towards strategic housing allocation in its rural areas, the landscape impacts caused are unwarranted. The development would result in a degree of domestication in a countryside setting that cannot be adequately mitigated. It is therefore considered that the proposal is contrary to Herefordshire Local Plan - Core Strategy Policy LD1, OPG1 and OPG11 of the Ocle Pychard Group Neighbourhood Development Plan, and the National Planning Policy Framework**

3. **The application is not accompanied by a completed Section 106 Agreement which is considered necessary to ensure the delivery of the affordable element of the scheme. It is therefore contrary to Policies H1 and ID1 of the Herefordshire Local Plan – Core Strategy and the Council's Supplementary Planning Document on Planning Obligations.**

**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 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(s) for the refusal, approval has not been possible.**

**68. 181925 - SHERRINGTON MANOR FARM, SHERRINGTON ROAD, BROXWOOD, HR6 9JR**

*(Proposed erection of poultry manager's dwelling, together with garage/storage building and package treatment plant.)*

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr D Thomas, the applicant spoke in support of the application.

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

He made the following principal comments:

- The farm was well established and seeking to diversify, requiring additional workers. There were no objections to the application.
- The proposal was consistent with paragraph 79 of the National Planning Policy Framework (NPPF). Poultry houses required a manager. This was a skilled job and the employment market envisaged a certain salary and the provision of a house on site.
- He referred to a communication from the Chairman of the Pembridge Neighbourhood Development Plan Group that the proposal was consistent with the draft plan. He noted that the Parish Council supported the proposal.
- He did not agree with the suggestion that an existing barn could be converted to provide a dwelling. The barn was too large and the conversion of it would be correspondingly costly compared with the proposal in the application.
- He questioned the consistency of decision making and advice from the agricultural consultant referring to two similar applications in recent years in his ward, at Shobdon and outside Kington, that, on the advice of a different consultant, had been approved by officers under delegated authority.
- The report did not refer to the Defra codes of recommendations and guidance on animal welfare.
- There was a functional need for a full time poultry manager on site. The proposal was consistent with paragraph 79 of the NPPF and policies RA3 and RA4.

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

- The Parish Council supported the proposal as did the Pembridge NDP.
- The development created no harm.
- There was a need for a manager on site. The proposal was for dwelling on site specifically to accommodate a Poultry Manager. It was in proximity to the poultry houses. The application was not for a new home in the open countryside.
- It was confirmed that if approved the dwelling would have an agricultural tie.
- The Lead Development Manager commented that in assessing applications of this nature regard had to be had to the other dwellings in the farm's ownership. A barn extension to the house, for which an application had been submitted the previous year, could have been constructed as an annexe to provide accommodation for the applicant's mother, freeing up the dwelling 500m away that she currently occupied, or for a poultry manager.
- Policy required there to be an essential need for a worker to live on site. If it was concluded there was such a need, the question then turned on whether the need could be met within existing accommodation.
- One difficulty in considering the application was that there had been a number of instances where applications had been made for agricultural ties to be lifted suggesting that the grounds for their need in the first place had not been as strong as indicated at the time. The argument for the application and, others like it, was therefore finely balanced and required careful consideration.
- The proposal was of good design and would not have an adverse impact, although it could be questioned whether it would have a positive one as required by policy RA4.
- The reduction in travel both to enable rapid response to an emergency or in the interests of reducing travel as an objective in itself were in its favour.

The Lead Development Manager commented that a partial conversion of the barn in the farm complex could have been considered. It was accepted that there was an essential need for a worker to live near or adjacent to the site. However, there was accommodation already available to meet that need. If the view was that a further dwelling was required policy RA4 4.8.33 provided that preference should be given to the use of suitable existing buildings through conversion. Permission for agricultural dwellings was granted as an exception to other policies in accordance with strict criteria.

The local ward member was given the opportunity to close the debate. He commented that the partial conversion of the barn was not a practical option. The functional need for the proposed dwelling had been demonstrated and would support the sustainability and diversification of a local family business.

Councillor Baker proposed and Councillor Edwards seconded a motion that the application be approved on the grounds that it complied with policies RA3, RA4, RA6, SS5 and E1 with an agricultural tie to the property. The motion was carried with 10 votes in favour, 3 against and 1 abstention.

**RESOLVED: That planning permission be granted on the grounds that the application was supported by policies RA3, RA4, RA6, SS5 and E1 and officers named in the scheme of delegation to officers be authorised to detail the conditions, to include an agricultural tie to the property, and reasons put forward for approval.**

**69. 181237 - LAND AT LITTLE FIELDS, BRIDSTOW, HEREFORDSHIRE**

*(Proposed erection of 8no houses consisting of 4no 3 bed, and 4no 4bed houses along with associated roads, parking and soft landscaping.)*

*(Councillor Swinglehurst 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. He provided an update that based on January 2014 figures the Council needs survey identified that of the minimum target of 57 dwellings for Bridstow 6% (3) were 1 bedroom, 25% (14) were 2 bedroom, 58% (33) were 3 bedroom and 11% (6) 4 bed (rounding down leaving a remainder of 1.

In accordance with the criteria for public speaking, Jenny Collin of Bridstow Parish Council spoke in support of the Scheme. Mr A Priddis, a local resident, spoke in objection. Rachel Hare, the applicant's architect, spoke in support.

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

She made the following principal comments:

- The impact on the AONB and whether or not the location was in or adjacent to the main settlement were key considerations.
- She had requested a redirection because there was a degree of local concern about a number of aspects including the impact on highways, on the AONB, sustainability of the location, the design and character of the development, effect on a public right of way, amenity of neighbouring properties and encroachment into the open countryside.
- In addition the Parish Council was finding it challenging to develop a Neighbourhood Development Plan and was looking for assistance in taking the plan forward.
- The application was of a high quality. However, she considered its approval to be a marginal decision.
- She referred to an appeal against a refusal, under delegated powers, of an application for a chalet bungalow on a neighbouring site "Woodlands". The appeal had been upheld by an Inspector. That application had at least some factors in common with the application before the Committee and had a bearing on considering whether the site was within or adjacent to the settlement in which case it was compliant with policy RA2.
- It was questionable whether the proposal could be said to conserve and enhance the AONB in accordance with paragraph 172 of the National Planning Policy Framework.
- The report concluded that the proposal was not major development in the AONB. That was a matter for the decision maker. She considered that the development would have an impact on the experience of the AONB. The landscape officer considered that the mitigation was sufficient to offset this.
- Tranquility and darkness were also an important part of the quality of the AONB that needed to be considered with particular regard to controlling external lighting that would urbanise the location.
- She referred to the remarks of an Inspector for another appeal against refusal for development at Burnt House on the importance of the landscape in the AONB and the provisions in the NPPF on conserving landscape and scenic beauty in the AONB and local distinctiveness.

- Some representations said that the proposal did not preserve local distinctiveness, contrary to policies RA2 and LD1.
- There was a difference between the two parts of the plot as originally referenced in the conservation manager landscape's comments in 2017, although the view was that the landscape architect's input had been sufficient to mitigate that adverse impact. It was important to consider whether the application was in character with the wider area.
- Concern had also been expressed about the capacity of the road network, especially at the pinch point of Rock Cottage/Pool Mill. The bus service was minimal, there were no pedestrian refuges, making the road unsuitable for walking between the development and the primary school. Car use was essential to access local services. The Inspector had stated that the Burnt House site which was nearer to local services could not be made sustainable. In contrast the inspector for the appeal at Woodlands had accepted that the car would be the main practical means of travel and the limited bus service would qualify as sustainable transport.
- Connectivity and sustainable modes of travel seemed critical to considering a development to be sustainable. Developments where this was not the case would be contrary to policy SD4.
- There was concern that there would be an adverse impact on the residential amenity of neighbouring properties from overlooking. She requested that consideration be given to mitigation of these concerns.
- A public right of way bisected the site and its character would be affected.
- Comments had also been made about the desirability of smaller sized dwellings in the parish. The development did not meet this aspiration.
- Welsh Water had noted the development could not be accommodated until planned works to the sewage treatment plant had been completed by 31 March 2020. She understood some of the land under which connections to the plant would need to be made was owned by neighbours. It appeared that these people had not been approached. Any opportunity to avoid using that land should be explored.
- The parish had a number of constraints to development: flooding, trunk roads, narrow lanes, and the AONB. The proposed development was well designed and of high quality but it was also some distance from services on a road unsuitable for pedestrians and arguably not within or adjacent to the settlement. She asked the committee to consider the impact on the AONB, the character of the area, the accessibility of local services, the impact on residential amenity of neighbouring property and weigh that against the presumption in favour of sustainable development and the benefit of new homes in an area where it was challenging to find appropriate sites.

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

- The application was sound. The application sought to conserve and enhance the location.
- It was requested that the metal railings alongside the footpath crossing the site should be retained to preserve its character. There would be community benefit in improving the path and making it more accessible.
- It was important that attention was paid to lighting on the site and this was fully governed by conditions.
- A concern was expressed about access from the site to the primary school and it was asked if any improvement to the road could be secured to benefit the community.



- The core strategy targets presented a difficulty for Bridstow and appeared unrealistic given all the constraints on development, creating a pressure on the Parish Council to support the development in the absence of better options. This was regrettable noting the Core Strategy was to be reviewed in 2019 with the potential for the housing growth target to be reduced.
- The housing mix, consisting of 3 and 4 bed properties appeared unlikely to meet local need. It was questioned if there had been a local housing needs survey.
- It appeared that the Council's defence against the appeal on the Woodlands site, for a single screened dwelling, could also be advanced in this case and would be strengthened because the application was for 8 prominent dwellings.
- The site appeared screened and would not have an adverse impact on the AONB.
- There were no objections from consultees and the Parish Council supported the proposal.
- The site was sustainable and not out of keeping with the character of Bridstow.
- The design was of good quality and energy efficient.
- The developers had worked closely with the parish council and undertaken consultation.

The Lead Development Manager made the following comments:

- He confirmed that the proposed condition 11 as required by Welsh Water stated that the upgrading of their treatment works would be completed before 31 March 2020.
- There were already conditions on lighting. However, an additional condition on external lighting could be added.
- The situation in Bridstow was difficult in the absence of an NDP to direct growth. The authority had been successful in defending a number of appeals against refusal of planning permission. These had been larger sites considered to be major development in the AONB. The Inspector at the most recent appeal had referred to development being acceptable associated with existing clusters of development and it was to be hoped that the Parish Council would bring forward an NDP identifying development sites having regard to this ruling.
- The application before the committee was adjacent to a cluster of development hence the recommendation for approval. It was a form of organic growth. He considered refusal of a smaller application of this nature would be harder to defend at appeal than refusal of those larger sites to which he had previously referred had been.
- He acknowledged that development within the AONB had to be treated with sensitivity.
- In relation to the minimum housing target of 57 houses permission for 10 had been granted and 3 had been built. The Principal Planning Officer referring to the housing need information he had provided during his presentation observed that the proposal was within the assessed need for 3 and 4 bed houses. It was confirmed that this was understood to be the council's housing needs survey not a result of a survey of Bridstow residents.
- Enhancement of the footpath would form part of the landscaping condition.
- In relation to the possibility of highway improvements, that was not related directly to the site and no such need had been identified by the Transportation Manager.

The local ward member was given the opportunity to close the debate. She requested conditions relating to hours of operation and control of mud on the road and similar matters, that consideration be given to reducing the impact of overlooking and that

consideration be given to the appropriateness of the housing target given the constraints on development.

Councillor Edwards proposed and Councillor Holton seconded a motion that the application be approved in accordance with the printed recommendation with an additional condition relating to external lighting. The motion was carried with 12 votes in favour, 1 against and no abstentions.

**RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **A01 Time limit for commencement (full permission)**
2. **C07 – Development in accordance with approved plans and materials**
3. **CAB – Visibility splays**
4. **CAE – Vehicular access construction**
5. **CAH – Driveway gradient**
6. **CAL – Access, turning area and parking**
7. **CAT – Wheel washing**
8. **CAX – Direction of proposed lighting**
9. **CAZ – Site operative parking**
10. **CB2 – Secure covered cycle parking provision**
11. **No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water.**  
  
**Reason: To prevent further hydraulic overloading of the treatment works, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment**
12. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network**  
  
**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment**
13. **The ecological protection, mitigation, compensation and working methods scheme including the detailed Biodiversity enhancement features, as recommended in the Ecological Mitigation and Enhancement Strategy by Focus Ecology dated February 2018 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. The Biodiversity enhancements shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority.**

**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**

- 14. Prior to the commencement of the development hereby permitted the following details shall be submitted to the Local Planning Authority for written approval –**

**A detailed surface water drainage strategy with the changes made as mentioned in the ‘Surface Water Drainage’ section. This should include supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**

**Confirmation that the road will be built to adoptable standards. In addition to this, the management of the water from the road must be clarified;**

**Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;**

**Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.**

**The development shall be carried out in accordance with the approved details and thereafter be maintained as such.**

**Reason: To ensure adequate drainage arrangements are in place, to mitigate the development and minimise impact upon adjoining land uses and to comply with Herefordshire Core Strategy policies SD3 and SD4.**

- 15 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.**

**Reason – In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property, maintain the character and appearance of the development and to comply with Policy RA2, LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 16 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 other than those expressly authorised by this permission shall be constructed in any elevation of the property and no dormer windows or rooflights other than those expressly authorised by this permission shall be constructed in any facing**

roof slope of the property.

**Reason:** In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 17**      None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed or felled without the prior approval in writing of the Local Planning Authority.

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 18**      The plans and particulars (submitted in accordance with condition ... above) shall be in accordance with BS5837: 2012 – Trees in relation to design, demolition and construction, and shall include:

a)      A topographical survey. This shall include all trees present on the site that are over 75mm stem diameter, measured at 1.5 m above ground level. Trees over this size growing on land adjacent to the site, whose branches overhang the site boundary, shall also be included.

b)      A tree survey. This shall include details of all trees included in the topographical survey. A schedule to the survey shall provide a reference number (to be recorded on the tree survey plan), species, height in metres, stem diameter in millimetres at 1.5 metres above ground level, branch spread in metres, height in metres of crown clearance above adjacent ground level, age class, physiological condition, structural condition, preliminary management recommendations, estimated remaining contribution in years and retention category grading.

c)      A tree constraints plan. This shall include details of the below ground constraints, represented by defined Root Protection Areas and the above ground constraints that the trees pose by virtue of their size and position.

d)      An Arboricultural Implications Assessment. This shall identify, evaluate and mitigate where appropriate the extent of direct and indirect impacts on existing trees that may arise as the result of any site layout proposal.

e)      An Arboricultural Method Statement. This shall provide a methodology for any aspect of development that has the potential to result in loss or damage to a tree. (It will include details of a monitoring regime of ongoing development operations by a qualified arboriculturalist to ensure full compliance with the Arboricultural Method Statement and the approved Tree Protection Plan.).

f)      A Tree Protection Plan. This shall include details of trees selected for retention, trees selected for removal, the location of protective barriers and any other physical protection measures, design details of the proposed protective measures and areas of

structural landscaping to be protected from construction operations, to prevent soil compaction.

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 19 In this condition ‘retained tree/hedgerow’ means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.

No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:

a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction. Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.

e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value.

20

The landscaping scheme approved as shown on the approved plans and details listed under Condition 2 of this Decision Notice shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees,

shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

21 Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Not later than 1st October in each of the 5 calendar years following the planting of any trees or shrubs on this site in connection with the development hereby permitted the operator shall submit to the Local Planning Authority a written statement detailing:

- a) The number, location and species of any trees, shrubs and hedge plants which have died, become diseased or seriously damaged in the preceding 12 months, and
- b) Proposals for the replanting and maintenance of any such failures with plants of similar size and species within the following 6 months.

22 Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.

23 Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to the occupation of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the building) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the building) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To safeguard the character and amenities of the area and to comply with Policy LD1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### **INFORMATIVES:**

1. Pro Active Reason 1

2. I 11 – Mud on highway
3. I 09 – Private apparatus within highway
4. I 45 – Works within the highway
5. I 07 – Section 38 Agreement & Drainage details
6. I 05 – No drainage to discharge to highway
7. I 47 – Drainage other than via highway system
8. I 35 – Highways Design Guide and Specification

The meeting ended at 1.25 pm

**Chairman**

