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Date: 15 July 2024
Our reference: CSC1019

Ms Heather Carlisle
Planning Services,
Hereford,
HR4 0XH

Dear Ms Carlisle,

**NON-MATERIAL AMENDMENT APPLICATION
AMENDMENT OF PLANNING PERMISSION REF: 231703
THREE COUNTIES HOTEL, BELMONT, HEREFORD, HR2 7BP**

On behalf of our client Lidl Great Britain Ltd, this application is submitted for a non-material amendment to the wording of conditions 3-7 attached to planning permission ref: 231703. Permission ref. 231703 was granted on 15 March 2024 for the following:

“Demolition of existing hotel and associated structures and erection of Class E foodstore with associated access, parking, servicing, drainage and landscaping.”

This submission comprises:

- Completed Application Form; and
- Covering Letter (this document).

Proposal

Works associated with the demolition of the former hotel buildings are a specialist element of the construction process and consequently are programmed to be carried out by a specialist contractor, rather than the General Contractor which will carry out the subsequent construction of the Lidl store. Furthermore, and partly in response to a desire to limit the potential for criminal activity at the site, there is a strong desire to carry out the demolition activity as early as possible (in late 2024), before the General Contractor has been chosen and appointed.

As currently drafted the conditions do not recognise the separate nature of the demolition works and the subsequent construction works and consequently it is not possible to fully discharge the conditions until the main contractor is appointed. In order to facilitate the separate phased nature of the works this application proposes amended wording to allow information in respect of the demolition phase of works to be submitted and approved separately to information in respect of the construction phase of works.

Condition 3 reads as follows:

“Development shall not begin until details and location of the following have been submitted to and approved in writing by the Local Planning Authority, and which shall be operated and maintained during construction of the development hereby approved:



- a) A method for ensuring mud is not deposited onto the Public Highway
- b) Construction traffic access location
- c) Parking for site operatives
- d) Construction Traffic Management Plan
- e) Hours of working
- f) Location of any welfare buildings and site compounds / storage areas

The development shall be carried out in accordance with the approved details for the duration of the construction of the development.”

This submission seeks the amendment of condition 3 to read as follows (changes in bold text):

“Development shall not begin **on either the demolition or construction phase of works** until details and location of the following have been submitted to and approved in writing by the Local Planning Authority **for the relevant phase of works**, and which shall be operated and maintained during construction of the development hereby approved:

- a) A method for ensuring mud is not deposited onto the Public Highway
- b) Construction traffic access location
- c) Parking for site operatives
- d) Construction Traffic Management Plan
- e) Hours of working
- f) Location of any welfare buildings and site compounds / storage areas

The development shall be carried out in accordance with the approved details for the duration of the **relevant phase construction** of the development.”

Condition 4 reads as follows:

“Prior to the commencement of the development a detailed Construction Method Statement (CMS) shall be supplied and approved to minimise noise and nuisance to neighbours: The CMS shall contain the following:

- The methods and materials to be used to ensure that the generation of noise is minimised; Choice of plant and equipment to be used;
- The use of prefabricated materials wherever possible; Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and good housekeeping and management, to include.
 - a) Review of plant and activities to ensure noise minimisation measures are in place and operating;
 - b) Public relations, e.g. provision of telephone numbers for complaints, prewarning of noisy activities including activities that might generate perceptible vibration, sensitive working hours
 - c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
 - d) Provision of noise monitoring during activities likely to affect sensitive receptors.”

This submission seeks the amendment of condition 4 to read as follows (changes in bold text):

“Prior to the commencement of the development **demolition or construction phase of works** a detailed Construction Method Statement (CMS) shall be supplied and approved to minimise noise and nuisance to neighbours: The CMS shall contain the following **(insofar as relevant to the given phase of works)**:

- The methods and materials to be used to ensure that the generation of noise is minimised;



- Choice of plant and equipment to be used;
- The use of prefabricated materials wherever possible;
- Regarding optimum site layout, noise generating activities to be located away from sensitive receptors; and
- **G**ood housekeeping and management, to include.
 - a) Review of plant and activities to ensure noise minimisation measures are in place and operating;
 - b) Public relations, e.g. provision of telephone numbers for complaints, prewarning of noisy activities including activities that might generate perceptible vibration, sensitive working hours
 - c) Controlling of site traffic and setting up of access routes away from sensitive receptors; and
 - d) Provision of noise monitoring during activities likely to affect sensitive receptors.”

Condition 5 reads as follows:

“Before any work; including demolition or site clearance begins or equipment and materials are moved on to site, a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including a specified ‘responsible person’, shall be supplied to the Local Planning Authority for written approval.

The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the Local Planning Authority.”

This submission seeks the amendment of condition 5 to read as follows (changes in bold text):

*“Before any work; including demolition or site clearance begins or equipment and materials are moved on to site, a fully detailed and comprehensive Construction Environmental Management Plan (CEMP) including a specified ‘responsible person’ **for the demolition phase and construction phase of works**, shall be supplied to the Local Planning Authority for written approval.*

*The approved ~~CEMP~~ **CEMP(s)** shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the Local Planning Authority.”*

Condition 6 reads as follows:

“Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit shall include the following:

- The amount and type of construction aggregates required and their likely source;
- the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;
- The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;
- The type and volume of waste that the development will generate (both through the construction and operational phases);
- On-site waste recycling facilities to be provided (both through the construction and operational phases);
- The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;
- End of life considerations for the materials used in the development; and



- Embodied carbon and lifecycle carbon costs for the materials used in the development.

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit.

This submission seeks the amendment of condition 6 to read as follows (changes in bold text):

*“Prior to commencement of development **on either the demolition or construction phase of works**, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the Local Planning Authority. The Resource Audit(s) shall include the following **(insofar as relevant to the given phase of works)**:*

- *The amount and type of construction aggregates required and their likely source;*
- *the steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase, through sustainable design and the use of recycled or reprocessed materials;*
- *The steps to be taken to reduce, reuse and recycle waste (including hazardous wastes) that is produced through the construction phase;*
- *The type and volume of waste that the development will generate (both through the construction and operational phases);*
- *On-site waste recycling facilities to be provided (both through the construction and operational phases);*
- *The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;*
- *End of life considerations for the materials used in the development; and*
- *Embodied carbon and lifecycle carbon costs for the materials used in the development.*

Demolition and Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit.

Condition 7 reads as follows:

“Prior to the commencement of development full details of a surface water drainage design plans shall be submitted including the submission of construction drawings and associated calculations and the development to be carried out in accordance with the approved details prior to the first use of the development hereby permitted.”

This submission seeks the amendment of condition 7 to read as follows (changes in bold text):

*“Prior to the ~~commencement~~ **construction** of development **above slab level** full details of a surface water drainage design plans shall be submitted including the submission of construction drawings and associated calculations and the development to be carried out in accordance with the approved details prior to the first use of the development hereby permitted.”*

The amendments to conditions 3-7 are proposed because the demolition works are programmed to be carried out by a specialist contractor in late 2024 and it is not possible to fully discharge the conditions as currently drafted until the main contractor is appointed in early 2025. As such, the conditions are proposed to be altered to introduce wording to allow information in respect of the demolition phase of works to be submitted and approved separately to information in respect of the construction phase of works.

Conclusions

The proposed changes are considered to be non-material, merely to allow conditions 3-7 to be amended to allow phased discharge of the pre-commencement conditions in order to facilitate demolition before the end of this year. There are no material changes to the information required by conditions 3-7. As such, we trust that the proposal can be considered as a non-material change.



Should you have any queries or wish to discuss please don't hesitate to contact us.

Yours sincerely,



Peter Waldren
Director
CarneySweeney

Encl.

