

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	182239 - DEMOLITION OF EXISTING BUILDINGS, STRUCTURES AND HARDSTANDING AND ERECTION OF 45 DWELLINGS (INCLUDING AFFORDABLE HOUSING) AND DRAINAGE ATTENUATION, OPEN SPACE AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS (AMENDED LAYOUT) AT LAND OFF HEREFORD ROAD, BROMYARD, For: Keepmoat Homes per Mr Rob Riding, Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, GL7 1RT
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182239&search=182239
Reason Application submitted to Committee – Council land – Development Partnership	

Date Received: 15 June 2018

Ward: Bromyard West Grid Ref: 364756,254217

Expiry Date: 23 November 2018

Local Member: Councillor A Seldon

1. Site Description and Proposal

- 1.1 Planning permission is sought for the erection of 45 dwellings (including affordable housing), with associated open space, landscaping and means of vehicular and pedestrian access on land off Hereford Road (A465), Bromyard. The site comprises two irregularly shaped and distinct parcels of Council-owned land; the former Council-depot and land let on an agricultural tenancy. The depot element is previously developed land overlain by hardstanding with a range of brick buildings and grit storage bays. There are presently two points of vehicular access into this parcel from the A465. The agricultural land is grazing, bound to the north-east and north-west by residential properties and with a field gate in the north-eastern corner.
- 1.2 Levels slope generally across the two parcels from high-points along the north-western boundary down towards the A465 and the depot is generally somewhat elevated above the agricultural land. The site extends to 1.42ha.
- 1.3 The site as a whole i.e. both parcels, share a common boundary with residential properties on Hereford Road, within Hatton Park and Drovers Orchard, Bromyard Cricket Club, The High School and to the south, the detached dwelling Ashfield House.
- 1.4 Opposite to the south-east is the Ashfield Way estate.
- 1.5 The proposal has been amended during the application process. As originally deposited the proposal was for the erection of 58 dwellings. This was reduced to the 45 now sought on officer advice and in response to concerns in respect of overlooking from both within the scheme and

Further information on the subject of this report is available from Mr Edward Thomas on 01432 260479

relative to adjoining dwellings and the number of points of vehicular access proposed direct from the A465. For the purpose of comparison the as originally proposed and as amended scheme are set out below.

Scheme as amended



Scheme as originally proposed



- 1.6 As can be seen, the amended scheme has the effect of reducing the 'congestion' around the site's northern tip, where plot 25 would have been in very close proximity to No.20 Hereford Road, with the propensity for unacceptable overlooking.
- 1.7 The revised access strategy is also apparent. Independent of the 'main' access point the original layout included four shared access points to serve shared parking areas for the plots on Hereford Road. This has been reviewed on the basis that officers considered significant highway safety issues might ensue and that there would, absent sufficient manoeuvring space, be a likelihood of drivers reversing onto the road and visitors parking on the road itself. Consequently the amended scheme now before Members has one vehicular junction with Hereford Road, with the internal estate road and shared private drives providing access to dwellings. At the southern end of the Hereford Road frontage a pedestrian/cycle route is described. This will allow access to the High School for pupils and parents living on the site, but also those residents in Ashfield Way.
- 1.8 Elsewhere and in response to concerns at the absence of bungalows and potential for overlooking of Ashfields House, plots 1-3 at the site's southern tip are now 2-bed bungalows for affordable rent. Overall the scheme now comprises 27 dwellings for sale on the open market and 18 affordable dwellings (40%). The open market dwellings comprise 26 3-bed properties

and 1 no. 4-bed dwelling. The affordable housing consists of 8 no. 2-bed shared ownership, 4 no. 3-bed shared ownership and 1 no. 4-bed dwelling of the same tenure – 13 shared ownership in total. There are 5 no. units for affordable rent. The aforementioned 2-bed bungalows and 2 no. 3-bed dwellings.

- 1.9 A further consequence of the reduction in the number of dwellings is the enlargement of the public open space (POS). This now extends to 1,655 square metres and will include a local area of play (LAP). Whilst not located centrally, it is understood the location of the POS is a consequence of the on site surface water attenuation strategy taking the form of underground cellular storage, which needs to be located at the lowest-lying point.
- 1.10 In terms of appearance, the house-types are generally two-storey (excepting the 3 no. bungalows) and faced in brick and brick/render. The street-scene to the A465 is shown below and demonstrates a well-spaced layout, with comparatively generous gaps between buildings.



- 1.11 The site is not subject to any environmental designation and nor would development affect the setting of any designated heritage assets. The site is located wholly within Flood Zone 1.
- 1.12 The application is accompanied by a number of supporting documents. The Local Planning Authority has considered the proposal against the Environmental Impact Regulations 2017 and is of the view that the scheme is not representative of Schedule 2 development and is not 'EIA' development.

2. Policies

2.1 Herefordshire Local Plan – Core Strategy 2011-2031

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing climate change
BY1	-	Development in Bromyard
BY2	-	Hardwick Bank
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources

- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

2.2 NPPF (2018)

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the natural environment

2.3 Bromyard Development Plan Document

The Neighbourhood Development Plan has not progressed. The Council has commissioned consultants to assist with the formulation of a Bromyard Development Plan Document (DPD). This will include an Employment Land Review to consider options for the quantum, type and location of employment land. Core Strategy Policy BY1 – Development in Bromyard – describes a need for 5ha as being necessary over the CS plan period to 2031.

At the time of writing there is no draft DPD and decision-making must rely, insofar as policies specific to Bromyard are concerned on BY1. (BY2 is concerned expressly with the allocation of housing at Hardwick Bank, so provides context to the spatial strategy and housing delivery in Bromyard but is otherwise specific to that allocation).

- 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

3. Planning History

- 3.1 None relevant

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: **Original response dated 14th August 2018**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development:-

We have reviewed the information submitted as part of this application with particular focus on the Desk Study and Ground Investigation Report along with the Flood Risk and Assessment Report. With reference to Appendix E the percolation test results are unclear and appear to suggest that an infiltration rate had been achieved, although the drainage strategy has been based on a public combined sewer connection.

Our records indicate that there is a designated surface water network that serves the nearby residential estate; this network has a positive outfall to the River Froome. This option would prove to be a more sustainable option and if the use of soakaways is ruled out upon further testing then connecting to this surface water network should be progressed.

The Drainage Strategy suggests that part of the site currently permeates through the ground via natural infiltration, therefore this would suggest that soakaway is viable on at least part of the site. The report suggests that the remainder of the development drains to a manhole of unknown status/ownership. This will need to be confirmed by a connectivity survey and investigation. It is assumed by the applicant that this is a highway drain, if so then this could prove to be an option as a means to dispose of the surface water from the proposed development and Welsh Water could adopt a new sewer up to the point of discharge to the drain with its ownership remaining with the Highway Authority.

Updated comments 19th September 2018

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have reviewed the amended information submitted as part of this application with particular focus on the Flood Risk Assessment and Drainage Strategy reference C-06403-C. We note that the report indicates that the intention is to drain both foul and surface water to the public combined sewer. As stated in our previous letter dated 14/08/2018 there is no agreement in place to convey surface water to the public sewer and further investigations are required to explore soakaways and other sustainable options.

Finally, we reiterate the concerns with the proposed development connecting to the immediate potable water supply network, **we have held further discussions with the applicant and discussed the alternative option to connect to the 200mm ductile main at grid reference 365163, 254503 but we are not aware that a decision has been made.**

In light of the above and the ambiguity of the existing and proposed drainage arrangement we cannot support the application in full. Therefore, 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.

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

- 4.2 Sport England (consulted owing to the proximity of the development to Bromyard Cricket Club and following the submission of 2 no. Cricket Boundary Assessment Reports, the second of which followed a visit by the consultants to site):

Initial response 14th November 2018 – Holding objection

In respect of the issue of ball strike, it is noted that the report states that it is a desk study, Labosport have not visited the site, taken measurements or carried out a visual inspection. The ECB have been consulted on the assessment and have commented that in their opinion the developer should always be providing a full Labosport survey including a site visit and discussion with the club and not just a desk based assessment and report. They comment that in this case the club are suggesting the ground levels haven't been taken into account and a site visit by Labosport would have been able to deal with that and alter the recommendation if needed.

Whilst the club have also expressed concern about the distances, the ECB comment that it is more difficult to address as Labosport have used their tried and trusted methodology against where the boundary is in relation to the pitches. Top edges and left handed pulls that travel 44 meters at this low level of cricket would be very minimal.

As such, it is not considered that this evidence can be relied upon and that it is recommended that the applicant be requested to instruct Labosport to undertake a site visit, and to provide an addendum to the report to assess the implications of site levels.

In respect of the amendments to the layout, the site plan suggests that the route of the proposed footpath would be directed around the rear of the existing cricket nets, across the cricket ground. The lack of a plan to demonstrate how this might affect the cricket ground does not help the assessment, but I would comment that the location of the route to the rear of the cricket nets does not seem sensible as this introduces a potential risk of injury to users of the footpath when the cricket nets are in use. Whilst it might be assumed that the nets would be suitably secured and free from gaps, in practice if the nets are not maintained over time there is a potential risk of cricket balls leaving the nets onto the footpath area. There is no suggestion that the footpath route across the cricket ground would be enclosed in sport netting, but if this was proposed this would place a burden on the club to maintain it, which may not be acceptable to them. It's not clear whether there is an existing right of way that must be maintained, but if there isn't it's difficult to see why this route across the cricket ground needs to be imposed on the cricket club at all? My conclusion is that the footpath would prejudice the use of the playing field for which an objection must be maintained. I'd recommend that this is deleted from the proposals.

As it stands, the submitted amendments have not sufficiently addressed the issues raised and so Sport England wishes to maintain its objection. Subject to resolving these points, Sport England would be willing to agree in principle that the details of proposed ball catch fencing can be agreed by condition, subject to agreeing suitable condition wording to ensure once the details have been approved this is then fully implemented in strict accordance with the approved details prior to the occupation of the affected plots. I would be happy to provide suggested condition wording for this.

Please re-consult me as and when an updated ball strike assessment is provided and in respect of the proposed footpath.

Response to updated cricket boundary assessment 4th December 2018 – no objection subject to conditions

Thank you for re-consulting Sport England on the updated ball strike assessment. It is noted that a site visit by Labosport has now been carried out to take site specific measurements including ground levels changes and that as a result the height of the recommended mitigation has been increased to 3.8-4.3 metres, the variance due to changes in levels along this boundary of the site. The ECB have been consulted who confirm that they concur with the

advice provided and consider this to be an acceptable solution. Sport England notes this advice and concurs that a scheme of ball catch fencing in accordance with these findings would be acceptable. The following planning condition is recommended to secure the design and specification details and to secure its implementation:-

Condition: Prior to the first occupation of any of plots 6, 7 and 8, full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in the revised Labosport Cricket Boundary Assessment dated 22nd November 2018 have been; (a) submitted to and; (b) approved in writing by the Local Planning Authority after consultation with Sport England. The approved details shall be fully installed before any of plots 6, 7 and 8 are first occupied and thereafter be managed and maintained in accordance with the approved details.

Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field, to reduce conflict between neighbours and therefore safeguard the sporting use of the adjacent sports facilities and to accord with Development Plan policy.

I'm unsure if there has been any revision to the layout plan in respect of the footpath route, however since my last response the club have advised that they believe this to be education land and that they do not see any major issue with its alignment to the rear of the nets. In terms of the times of use they comment this is generally during evenings and weekends, rather than at school times so they feel this would present a minimal danger. Given this, Sport England are able to remove their objection to this application, subject to the imposition of the condition above.

Sport England would object if this condition were not included. If you wish to amend the wording of the condition please contact me so that this can be agreed. Sport England would like to be notified of the decision in due course.

Internal Council Consultations

4.3 Environmental Health Officer (Noise & nuisance): Qualified comment 6th November 2018

Our department is in receipt of a third road traffic noise assessment which makes mention of the guidance in ProPG but this is not actually an Acoustic Design Statement as set out in Stage 2 of the ProPG guidance.

We have reviewed the revised plans for the site, the road traffic noise assessment and other data available regarding road traffic noise in the vicinity. Whilst it appears that the road traffic at the site presents a medium noise risk initially thought by ourselves to be an overestimate, this data is comparable with other noise surveys along the A465 with the exception that there are higher speed limits at these alternative locations.

With the revised plans, 9 of the 45 houses are impacted adversely by road traffic noise. The applicant has still not been able to demonstrate how the acoustic environment has been taken into account in the design and layout of this site, not provided noise contours nor calculated noise levels at each of these 9 houses. However we understand that there are other design constraints at the site which limit layout options and the proposed dwellings themselves are too small to enable orientation of all noise sensitive rooms away from the site.

Back gardens and amenity areas with solid acoustic fencing and shielded by the houses themselves are likely to achieve satisfactory noise levels to BS8233 in at least some parts of the garden. To achieve desirable noise levels in noise sensitive rooms, however, the bedrooms facing the front of the site will be required to have their windows closed during the daytime as well as the night time. This is not really desirable. However should it be minded to grant

permission for this site bearing in mind the comments made above I recommend strongly that the mitigation proposed in the noise report in terms of the use of acoustic trickle vents to the windows facing the Hereford Road and the proposed glazing specification to give a reduction of 32dB in the bedrooms and living rooms and 31dB in the dining rooms be followed.

4.4 Built & Natural Environment Services Manager (Landscape): No objection subject to conditions

I have no objections to this application, but I would like to recommend the following conditions:

Further appropriate tree planting on the SE boundary parallel and adjacent to the Hereford Rd. Existing trees on site to be retained to show their tree protection zones on the Planting Plan. Dependent on soil conditions, rain gardens (roof rain water run-off to go into proposed garden wet areas) to be introduced.

A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Landscape maintenance arrangements. No development shall take place until a scheme of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

4.5 Land Drainage: No objection subject to conditions

We commented on this planning application in August 2018. We recommended that the following information was provided prior to the Council granting planning permission for this development:

- Confirmation of an agreement in principle with Herefordshire Council and Welsh Water for the construction of a new combined sewer within the public highway.
- Confirmation of an agreement in principle from Welsh Water regarding the proposed connection to the existing combined sewer with regards to the capacity and viability of the proposed connection.
- Confirmation of an agreement in principle from Welsh Water regarding the adoption of the proposed foul, surface water and combined drainage systems.
- Assessment and demonstration of the management of exceedance flows to retain water within the site boundary up to the 1 in 100 year event.

The Applicant submitted comments from Welsh Water in September 2018. Welsh Water advised that there is a designated surface water network that serves the nearby residential estate, with an outfall to the River Frome. Welsh Water stated that if infiltration is not feasible on site, connection to this existing surface water drainage should be progressed.

The previously submitted FRA suggests that part of the existing site is drained to a manhole of unknown status/ownership, and the Applicant assumed that it is a highway drain. Welsh Water commented that the connectivity to this manhole and its ownership should be investigated further. If it is found that it is a highway drain, Welsh Water stated that it should also be considered as an option for the disposal of surface water runoff from the development. Welsh Water confirmed that they could adopt a new sewer up to the point of discharge to the drain with its ownership remaining with the Highway Authority.

The above comments suggest that the currently proposed discharge of surface water runoff from the site to the public combined sewer is not considered acceptable by Welsh Water.

Welsh Water stated that in light of the above they do not fully support the application, but if the Council is minded to grant a planning permission, Welsh Water requested that the following conditions are included:-

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.

Considering the comments provided by Welsh Water we recommend that the following information is submitted by the Applicant prior to planning permission being granted:-

- Surface water drainage strategy amended in accordance with Welsh Water comments;
- Assessment and demonstration of the management of exceedance flows to retain water within the site boundary up to the 1 in 100 year event.

In addition and as per our previous response, we recommended that should the Council be minded to grant planning permission, that the Applicant submits the information requested above in addition to the following information as part of suitably worded planning conditions:-

- Greenfield runoff rates and detailed drainage calculations, including storage calculations that are based on the 2013 FEH rainfall data.
- Updated calculations of existing and proposed runoff rates and attenuation volume for the proposed development using correct impermeable areas.
- Amended 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 an including the 1 in 2 annual probability storm event.
- Amended calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event.
- Detailed drawings of the proposed drainage system including details of proposed attenuation structures and flow controls.
- Confirmation of the proposal to abandon and make safe the existing cesspit and redirect flows from the neighbouring property into the proposed drainage system. Note that it is expected that consultation will be undertaken with the Environment Agency regarding the need to remove the cesspit and remediate potentially harmful contamination.
- Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
- Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

4.6 Open Space Planning Officer: No objection subject to conditions/contributions

Open Space Requirements:

In accordance with Core Strategy OS1 and OS2, open space provision will be sought from all new residential development and considered on a site by site basis in accordance with all applicable set standards of quantity, quality and accessibility which in this instance are set out below. Where on-site provision is not appropriate off-site contributions may be sought where

appropriate on an equally beneficial basis for the local community. Standards of provision are to be based on:

- Local Evidence: Herefordshire Open Space Study 2006 (data for amenity public open space has not changed significantly and it is still considered to be accurate). This recommends POS should be at a rate of 0.4ha per 1000 population.
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. In recognition that quantity guidelines should be adjusted to take account of local circumstances. Of this 0.25ha should be formal equipped play.
- Local: Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan (draft) and National Evidence: Fields in Trust Guidance: These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

A combination of both on and of site provision is required from this development.

On-site POS/Play provision: For 45 houses at an occupancy of 2.3 (total population 103.5) the following is required:

- The developer provides a minimum of 0.123ha (1230sq m) of on-site green infrastructure comprising;
- 0.041ha (410sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.082ha (820sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.025ha (250sq m) should be formal play equipment. (@ 0.25ha per 1000 population)

On site POS provision as shown on the plan totals 1655sq m. This adequately meets the policy requirement. It is located next to the entrance to the site and the Hereford Road but extends the length of the north-east boundary offering opportunities to locate the formal play provision in a safe accessible area away from the roads. Although not centrally located the area will have some natural surveillance from the house located to the north of the open space and the 4 houses across the road from it. It will be bounded by existing hedgerow to the north-east side, by the new house to the north-west side and by proposed railings to the south-west and south-east boundary. It is considered to be of a usable size and as per my previous comments planning for healthier spaces is good practice and it offers the opportunity to provide a well-designed area offering a range of recreation opportunities and experiences appropriate to the site and location.

At 250sq m the applicant should provide a LEAP rather than a LAP. LAPs are not supported as they are small, aimed at infants only and offer little in play value. An area of 250sq m can accommodate play provision for both infants and juniors suitable for a development of this size and offer a good range of equipment. A space for kick-about area is also recommended.

Based on the proposed number of houses and sizes (11 x 2bed, 32 x 3bed, 2 x 4bed) and in accordance with the SPD on planning obligations development costs only a play area to the value of approximately **£33,000** should be provided on site. The play area should be aimed at infants and juniors only and provide a range of equipment intended for this age group offering good play value. Some landscaping may be required and this can be included in the costs. Detailed plans of the play area, including layout, equipment list (with suppliers and part numbers), details of safety fencing, safety surfacing information on signage, seating and litter bins, costs and a schedule of maintenance should be submitted. This play area scheme will need to be approved by the planning authority and conditioned accordingly. I suggest CA4 and CA6 on the council's standard conditions.

On-site POS/ Play Area Adoption: Herefordshire Council no longer adopt open space and suitable management and maintenance arrangements will be required to support any provision

of open space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the Hereford City Council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Bromyard cricket club: The Herefordshire Cricket Board has raised a concern with me with regard to the proximity the proposed development is to the existing Bromyard Cricket Club facilities. I also understand that these issues have also been raised by the cricket club. The proposed housing site bounds the southern boundary of the cricket outfield. The cricket facility is currently constrained by its position within a residential and school area and the addition of this housing development will further exacerbate this issue as I understand. I have not been to site so am not certain as to the exact nature of the issue or how the existing wicket is aligned. In accordance with the playing pitch assessment 2012 and the outdoor sports investment plan, there is a deficiency in cricket facilities in Bromyard and suitable land is hard to find in Bromyard to develop new facilities. Should this development impact upon the current facilities to the extent that health and safety of local residents becomes a real issue for the club and the potential loss of this facility, this will further impact on the already deficit provision. Also to note Bromyard Cricket Club has now entered a premier league in the west midlands which as I understand requires a certain standard of facility. I would therefore ask that the boundary treatment between the existing cricket club and the proposed new housing is considered and a practical solution found.

Off-Site Outdoor Sports contribution: An off-site contribution will be sought towards outdoor sports provision. Based on evidence from the Playing Pitch Assessment for the Bromyard Area 2012 an Outdoor Sports Investment Plan which includes up to date information (2017) on existing facilities and clubs has been prepared by a partnership of Herefordshire Council, the relevant National Governing Bodies for Sport, (NGBs) Sport England (SE) and the County Sports Partnership (CSP). This partnership makes up the Steering Group overseeing delivery of the Investment Plan. The investment plan is considered to be robust providing details of both quantity and quality projects (football, cricket, and rugby) for Bromyard which are considered to be sustainable and deliverable and required in support of improving existing outdoors sports facilities to meet the needs of the future populations up to 2031. To meet these demands contributions from all new housing developments are requested as follows based on market housing only:

Contribution arising from this proposal:

- **£609,000:**Total Outdoor Sports Investment costs (costs calculated using Sport England's Facility Kitbag)
 - **500 new houses** (Core Strategy Bromyard housing requirements)
 - **£1,218:** Cost per market house: (Total investment costs divided by total number of houses)
- For 27 market houses this equates to **£32,886**

Overall contributions sought from new housing will only contribute approximately 65% of the total investment required to bring forward the projects identified below. Match funding will be sought via the Outdoor Sports Investment Steering Group and the relevant facilities development plans of the NGBs and through external funding sources.

Football Quantity deficiencies: to meet future deficiencies in junior football. Provision required to accommodate Bromyard Football Club juniors and future growth. The teams currently play out of town. Options include provision of additional pitches at the existing football facility at Bromyard Football Ground. This is supported as a high priority by the National Governing Body for Football and Herefordshire Football Association

- Facilities development: New Junior Natural Turf Pitches: 2 x 7 v 7 or 4 x 5 v 5 pitches (equivalent to 1 x senior pitch).
- Cost: £183,000

Cricket Quality/Quantity deficiencies: To meet future deficiencies in junior and senior cricket: This is supported as a high priority by the National Governing Body for cricket and Herefordshire Cricket Board. Improvements to existing facility to meet identified deficiencies in existing provision which will enable growth in the sport, including club progression into junior and Sunday cricket.

- Facilities development: 2 more pitches to the square and new net facility required to existing facility
- Cost: £195,000

Rugby Quantity deficiencies: to meet future deficiencies in senior rugby and training. Additional Natural Turf Pitch required to meet identified deficiencies in both quality and quantity to help reduce overplay and enable growth in membership. This is supported as a high priority by the National Governing Body for Rugby.

- Facilities development: 155 x 80 Natural Turf pitch
- Cost: £231,000

Note: all project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England's Facility Costs Kitbag as of 2Q2012 and associated maintenance costs

All of the above projects will potentially benefit the proposed development.

4.7 **Waste & Recycling:** Qualified comment

Can it be confirmed if the section of shared surface road starting near plot no. 10 will be constructed to adoptable standards?

The area is currently accessed by a 26 tonne refuse collection vehicle (RCV). Any road where it is expected for the RCV to travel would need to be constructed to adoptable specification. A risk assessment would also need to be passed. If it is not to be constructed to adoptable standard, a collection point for bins will need to be provided. The maximum distance between the collection point of the bins and where the vehicle can safely access is 25metres.

4.8 **Schools Sufficiency, Capital and Investment Manager:** Requests a s.106 contribution towards St Peters Primary School and Queen Elizabeth Secondary School.

4.9 **Highways and Transportation:** Recommends conditions

Further to previous comments, the following was outstanding:

- S106
- Speed survey
- Details on the provision of the link to the school

In support of the application a technical note and supporting drawings have been provided:

- Dwgs TP 305 P02, TP304 P02
- Technical Note Technical Note TP1001 and TP1002

The technical note for the pedestrian crossings are key; they do go into detail as to crossing times and vehicle flows, gaps. The crossing to the south has to cross single lane traffic while the crossing adjacent the main access is without pedestrian refuge meaning pedestrians need to cross the whole carriageway width.

The issue about the connectivity has been addressed though it is not clear who will deliver the school link or when.

It is not clear whether S106 is applicable due to the footpath link and who will deliver, if S106 is applicable, this will be to the councils SPD and contributing to improving crossing in the vicinity of the site with the potential to upgrade to controlled crossing on the A44 or junction improvements on the A465 / A44. There are numerous schemes in the locality.

Overall, the information provided is acceptable and conditions are recommended

4.10 **Economic Development Manager:** No objection

The application site comprises of approximately a 50/50 split between the vacated council depot and agricultural grazing land. The old depot element consists of a range of brick and steel frame buildings with accompanying features and hardstanding. The buildings themselves are of poor quality and these and the general site would only be suitable for a very limited range of employment uses, as currently configured. The agricultural grazing land is currently undeveloped and as such does not accommodate any buildings or other permanent features.

Taken together the two previous uses comprising the application site are located within an established residential area of Bromyard, the site being bordered by residential uses to the north west, north, north east, and (across the A465) to the east and south east. To the south west and west the neighbouring uses are the Queen Elizabeth High School and Bromyard Cricket Club.

I would consider the use of the site as a council depot to either be classified as a B8 (Storage and Distribution) or Sui Generis use. As a depot the site would have operated in a very different manner to a more traditional employment estate or business park. The density of development would be far less as a depot, with correspondingly less vehicular movements. A redevelopment of the site for employment purposes would very likely increase the density of development and radically alter the appearance of the site, at this stage it is unknown what impact this would have on neighbouring uses, access arrangements, or use restrictions on the site. Consequently it is not certain at this stage whether the site would be an appropriate location for future employment use.

The Council are broadly aware of market demand within the council through the market demand that exists for land at the enterprise zone in Hereford and secondly due to a market report commission to inform the phasing and land uses at the Ross Enterprise Park site. I believe that there is minimal demand for B1 (office) accommodation within the market towns and that which does exist is primarily catered for by town centre accommodation. Demand is more likely to exist for B1c (light manufacturing) or B2 (general industrial use). As a consequence, based on the anticipated end uses, the proximity to the site of existing houses is likely to limit the development quantum's that can be achieved.

The Council has commissioned a study to identify the employment land needs of in Bromyard, and this will inform development plan documents, specifically Rural Areas Site Allocation DPD and / or the Bromyard Development Plan. This study will review the current requirement for a 5 hectare employment land allocation identified within the Herefordshire Core Strategy 2011-31, and seek to identify any required employment land allocation.

The Council maintain a commercial property register which identifies vacant commercial property; the council can use this register to identify commercial land enquiries for specific locations/requirements. The council has received very few enquiries for employment land and/or units in the town within the last 2 years. This should be recognised as an important indicator of

market demand for employment uses within the town but is not considered to be a strategic study of future employment land needs.

I further understand that there is a correspondingly high level of housing need for the Bromyard area with the core strategy target being for a minimum of 500 houses.

As a consequence of the above points I would suggest that there is a very low level of latent demand for employment land within Bromyard and, as there is an unspecified need for a wider 5 hectare allocation, there is a requirement to review what employment land need exists in the town (which the council have recently commissioned).

Additionally there has been no assessment of the suitability of the site for employment uses and no reflection that, although a council depot was the previous use on a large proportion of the site, the operation of the site for modern employment uses would likely result in a very different site operation and appearance than the previous use.

I would consider it difficult to defend the protection of the site for employment purposes when neither the suitability of the site or the demand for employment uses has been established. Consequently I do not object to this application.

4.11 Built and Natural Services Manager (Ecology): No objection subject to conditions

In line with core strategy SD4 and LD2 the proposed foul water connection to main sewer network should be implemented as stated.

There are no special ecological working methods proposed in the supplied ecological report over and above those that would required of the applicant and their construction contractors through statutory wildlife protection legislation and so no additional or duplicatory planning condition is appropriate or required.

A final detailed plan of all proposed biodiversity enhancements based on the types of enhancements proposed in Appendix 2 of the ecology report (April 2018) should be submitted for approval.

Nature Conservation – Enhancement

Prior to commencement of the development, a detailed habitat enhancement scheme, based on the indicative measures proposed in the ecology report by Ecus consultancy dated April 2018 should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented and hereafter maintained as approved.

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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC 2006

Informative:

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative.

4.12 Private Sector Housing: Expressed concerns in relation to the size of some of the third bedrooms (amended plans have subsequently been submitted to review these internal dimensions and ensure that all bedrooms comply with the National Technical Housing Standards).

4.13 **Wye Valley NHS Trust:** Requests a financial contribution towards the provision of primary care at the County Hospital (see draft Heads of Terms appended to this report – the figure is adjusted down from the Trust's published position to reflect the omission of the affordable housing from the calculation).

4.14 **Strategic Housing:** Strategic Housing is in support of the proposed Bromyard Depot development. The land is in the ownership of the Local Authority and to be developed by Keepmoat the Development Regeneration Partner therefore significant discussions have taken place with regards to the affordable housing and open market housing mix all of which are in accordance with the LHMA and knowledge of local demand.

The location of the affordable housing has also been in collaboration with Keepmoat ensuring that they are pepper potted within the site. All dwellings to be allocated to those with a local connection to Bromyard in the first instance and then cascading parishes.

4.15 Principal Technical Officer (Contamination) – comments awaited

5. Representations

5.1 **Bromyard & Winslow Town Council** – initial response to 58 dwelling scheme – 7th August 2018

At the meeting of Bromyard and Winslow's Planning and Economic Development committee held on Monday 6th August IT WAS RESOLVED not to support the application on the following grounds:

- Members were not satisfied with the access arrangements particularly footpath access to the west of Hereford Road.
- The proposals overdevelop the site.
- Concerns with road safety especially in view of some dwellings opening directly onto the Hereford Road with the possibility that, on occasion, drivers would have to reverse onto this road.
- Herefordshire Council has yet to finalise the Bromyard Development Plan which requires the identification of 5 hectares of employment land (BY1). Development of the site would lead to the loss of significant employment land.
- Continued development of the site would worsen the towns existing sewerage issues.

Bromyard & Winslow Town Council – updated response to revised 45 dwelling scheme – 12th September 2018

At its meeting held on Tuesday 11th September 2018, Bromyard and Winslow Town Council's Planning and Economic Development Committee resolved not to support the application on the grounds:-

- Members remained dissatisfied with access arrangements particularly footpath access to the west of Hereford Road. The safety of the proposed footpath crossings were also a cause for concern.
- Continued development of the site would worsen the town's existing sewerage issues.
- Development of the Old Depot site, which was recognised as employment land, would remove potential employment land from the town. Herefordshire Council has yet to finalise the Bromyard Development Plan which requires the identification of 5 hectares of employment land.

5.2 **Bromyard Cricket Club:** Holding objection (the response below was submitted *before* the second 'Labosport' Cricket Boundary Assessment report was undertaken. Comments in respect of version 2 of the report were awaited at the time of writing).

The revised plans follow a site meeting between the Agents, Developers and Bromyard Cricket Club. This resulted in the amendment to retain a 1.5 m corridor for protective fence erection. It was agreed that a Laboport Survey be commissioned to predict likely ball nuisance which I presume is now with the relevant papers that relate to the application.

Our continued objection to the plans as submitted are based around the recommendations and shortcomings of this Laboport report. The recommendation is for a 3m mitigating fence but this being a desk based study fails to take note of the geography of the ground, which falls away appreciably and renders a 3m fence to be effectively significantly lower than would be the case on level ground. This also contradicts earlier comments within the report that "At 44 m [the closest point of the development to the cricket square] all but the fastest shots for community/amateur level cricket will be stopped by a 15 m high mitigation system" which we believe far more realistically describes the potential solution. Whatever is the final outcome we see no provision for us to have access to retrieve any balls that exceed the mitigation system, meaning that the balls will be lost to us and present a nuisance and danger to the landowner or house holder.

- 5.3 12 letters of objection have been received from local residents. The content is summarised as follows:-

Procedural issues concerning land ownership and service of the requisite notice

- The owners of Westfields House (No.20 Hereford Road) and Ashfields House allege that at three separate points along the site boundary, land within the red line is in fact within their respective ownerships. It is argued that absent the correct Certificate being served, the application is consequently rendered invalid;
- The tenant of the agricultural land asserts that insufficient notice of the application was given, meaning that the application is consequently rendered invalid.

Loss of employment land

- A number of the objections refer to the absence of sufficient employment land provision in Bromyard CS Policy BY1 identifies a need for 5ha of employment land, which is considered crucial if the economic vitality of the town is to be secured and commuting kept to a minimum; in line with carbon reduction policies.
- It is argued that the development should not proceed until this point is reconciled as the land should be considered a potential employment site in the forthcoming employment land review.

Impacts on residential amenity

- Occupiers of property at the end of the residential cul-de-sac Hatton Park (to the north-west) voice significant concerns in respect of the potential for loss of privacy arising from overlooking from rear-facing first-floor windows in the dwellings (plots 8 to 17).
- These properties are only 7.5m from the common boundary and the land differential will mean first-floor windows will look directly into ground floor windows and vice versa.
- The high density nature of the development is illustrated by plots 8 to 17 (10 dwellings) sharing a boundary with only 3 properties in Hatton Park.
- Bungalows along this boundary might have been more acceptable.
- Tree planting within the site will affect the existing, mature hedgerow and if intended for screening may be removed by future occupiers in any event.
- There is insufficient room to allow for maintenance of the east elevation of Plot 1.
- There is no provision for maintenance of the outbuilding serving Ashfields House.

- The plans earmark for removal a mature tree that straddles the common boundary, but is within the ownership of Ashfields House. Permission is not granted for its removal.

Highway safety

- The application takes little account of the vertical alignment of the A465 and the crest in the road to the north-east of the site.
- There is no formal provision for pedestrian crossing, such that students will have to cross the A465 near the junction with Ashfield Way and have to take account not only of two-way traffic on the A465 itself but also traffic emerging from Ashfield Way. The pedestrian/cycle link to the school, even with a central pedestrian refuge, is likely to present a safety hazard.
- The pavement shown adjacent the western boundary of the A465 towards the A44 cannot be delivered and representation on the plan is misleading.

Loss of agricultural land & landscape impacts

- A large proportion of the site is agricultural grazing land, which has long performed this function and has attendant ecological benefits that would be lost.
- There is hedgerow bounding the agricultural land against the A465. This would be removed and replaced with wholly inappropriate deer park style 1100mm high fencing. Loss of hedgerow should be resisted as contrary to policy and only permitted exceptionally.
- Bats have been observed over-flying the site

Other matters

- Bromyard already has sufficient housing land. The housing site off Tenbury Road is not yet occupied and the allocation at Hardwick Bank is sufficient to meet the housing needs during the plan period.
- The geo-technical report does not assess the agricultural land and nor did it identify the presence of the water supply or waste pipes associated with Ashfields House. Consequently no strategy for addressing this has been compiled.
- There is recollection of a herring-bone French drain being constructed in the 1960s in association with the High School. Development of the site will have to take account of this.
- Amenities in Bromyard are already at or over capacity. The doctors' surgery and dentist are over-subscribed. The site should have been considered as an alternative location for the doctors.
- The proposal will add to sewage and water supply issues that already exist.

5.4 There has been one letter of support for the proposal from the Chair of the Governors, Queen Elizabeth High School;

- The school has significant spare capacity, so any scheme that yields new pupils is welcomed;
- The footpath/cycle link to the school will make walking to school for pupils living south of the A44 much safer than existing. At present pupils typically have to cross and re-cross the A44 twice. Crossing the A465, which is usually quieter and slower, is far preferable.
- By modern standards the design appears spacious.

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=182239&search=182239

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 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."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. The Bromyard DPD is only at drafting stage and so I consider that it attracts very limited or no weight at present.
- 6.3 In taking a decision in respect of this application regard must be had to the development plan read as a whole i.e. the Core Strategy. A range of policies are relevant to this proposal as indicated in section 2 above. However, it is clear that absent a five year supply of housing land, policies relevant for the supply of housing must be considered out-of-date. In these circumstances Paragraph 11 of the NPPF 2018 (Presumption in favour of sustainable development) states:
11. *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 areas⁵, 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 area⁶; 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, 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.***
- Case officer emphasis*
- 6.4 For the purpose of determining this application, therefore, it is 11 d) ii) that concerns us primarily. This is in the context that none of the 'protective' policies referenced in d) i) and footnote 6 are relevant. Thus it is necessary to identify the benefits of the proposal and weigh them against the adverse impacts associated with approving the scheme in the 'tilted' planning balance; with planning permission granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

- 6.5 This approach is also rehearsed in CS Policy SS1. In the light of the above, the housing policies of the CS are out-of-date. Bromyard Policy BY1 identifies a need for a minimum of 500 new homes together with around 5 ha of new employment land during the plan period. 250 of these dwellings are allocated at Hardwick Bank and an application was lodged in December 2016 by Bovis Homes for up to 500 dwellings on land arcing around the north-west of Bromyard between the A44 and Tenbury Road (163932/O). However the application is as yet undetermined. In the interim there has been the outline approval of up to 80 dwellings off Ashfield Way (162261) and the ongoing development at Porthouse Farm, including 76 dwellings and employment units (140285).
- 6.6 Elsewhere, an outline application on land off Pencombe Lane (outline application for up to 120 dwellings) was refused and dismissed at appeal and subsequently refused twice more; 163001/O being the most recent.

The principle of development

- 6.7 The application site is, in the view of officers, well related to the existing settlement and representative, in part, of previously developed land. It is surrounded by existing residential development and close to the High School. Whilst acknowledging that current applications and existing commitments mean that in theory, the housing requirement for Bromyard is well capable of being met, the evidence in respect of delivery is less clear-cut. Porthouse Farm is under construction, but even if the outline application for Hardwick Bank was determined in the near future (for which there appears little evidence in support), Reserved Matters approval would need to be sought and the Annual Monitoring Report anticipates that completions will not occur before 2021/22 and in the first year would be unlikely to number more than 25 dwellings.
- 6.8 The NPPF 2018 introduces the Housing Delivery Test, which requires Council's to deliver a certain proportion of their annualised requirement. Paragraphs 73 to 76 of the NPPF 2018 deal with maintaining the supply and delivery [of housing] and make it clear that Council's will be expected to monitor delivery and address under-supply via action plans if delivery has fallen below 95% of the authority's housing requirement over the previous three years. It is also clear that the Council will continue to be subject to a 20% buffer as a consequence of persistent under-supply over the previous monitoring periods.
- 6.9 Accordingly, officers consider that substantial weight should be attributed to the delivery of housing, including 40% affordable, on this site. The report will now assess the other main issues relevant to the determination of this application.

Provision of employment land within Bromyard

- 6.10 The CS identifies a requirement for the provision of 5ha of new employment land over the plan period. It is my view that the lawful use of the two existing planning units comprising the site is a) *sui generis* for the depot and b) agricultural.
- 6.11 Absent an NDP the Council has commissioned consultants to conduct an Employment Land Review that will review the quantum, type and potential locations for employment land at Bromyard. This is not sufficiently far advanced to attract significant weight in this decision.
- 6.12 In the meantime, the Council's Economic Development Manager has commented at 4.10 above. The key points are summarised as follows:-

Current lawful use vs employment redevelopment

- The lawful use of the Council depot would either be classified as a B8 (Storage and Distribution) or *Sui Generis* use – in the view of the case officer the depot is *sui generis*.
- This historic use of the depot would have operated in a very different manner to a more traditional employment estate or business park.

- The density of development would be far less as a depot, with correspondingly fewer vehicular movements. A redevelopment of the site for employment purposes would very likely increase the density of development and radically alter the appearance of the site.
- At this stage it is unknown what impact this would have on neighbouring uses, access arrangements, or use restrictions on the site. Consequently it is not certain at this stage whether the site would be an appropriate location for future employment use.

Assessment of demand

- The Council is broadly aware of market demand within the county through the market demand that exists for land at the Enterprise Zone in Hereford and secondly due to a market report commission to inform the phasing and land uses at the Ross Enterprise Park site.
- It is considered there is minimal demand for B1 (office) accommodation within the market towns and that which does exist is primarily catered for by town centre accommodation.
- Demand is more likely to exist for B1c (light manufacturing) or B2 (general industrial use). As a consequence, based on the anticipated end uses, the proximity to the site of existing houses is likely to limit the development quantum's that can be achieved.
- The Council has received very few enquiries for employment land and/or units in Bromyard within the last 2 years. This should be recognised as an important indicator of market demand for employment uses within the town but is not considered to be a strategic study of future employment land needs.

- 6.13 Overall, therefore, whilst I can understand the perspective of the Town Council and some individual correspondents, it appears on the evidence currently available that there is a low level of latent demand for employment land within Bromyard and on balance the Economic Development Manager considers it difficult to defend the protection of the site for employment purposes when neither the suitability of the site or the demand for employment uses has been established.
- 6.14 The NPPF requires plan-makers to ensure sufficient land is available to meet the demand for various land-uses; including employment land. Against this, however, I am mindful that although now vacant, the lawful use of the depot is, in my opinion, *sui generis* and any redevelopment for employment purposes would require the benefit of planning permission. I am also inclined to give weight to the concerns expressed in relation to the suitability of the application site for employment purposes. I say this in the context of the very close relationship to adjoining, principally residential but also educational premises. Accordingly, whilst I don't doubt some element of B1/B8 (office, R&D, light industrial and storage) may constitute an acceptable use of the land, the site extends to 1.42ha in total, which is less than 30% of the current CS employment land requirement.
- 6.15 Thus, while the site could make a measure of contribution towards the unmet 5ha requirement, it would not satisfy the requirement entirely and is likely to be limited in terms of the breadth and scope of employment uses it would support. In these terms I am not persuaded that the application should be refused on the basis it is premature relative to the DPD or otherwise prejudicial to the ability to plan positively for economic development in Bromyard. Insofar as refusing an application on the grounds of prematurity is concerned, guidance is found at paragraph 49 of the NPPF:

However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 6.16 For the reasons given at 6.13 and 6.14, I do not consider that a) is applicable to the development before Members and the requirements of b) are not met either i.e. the DPD is not at an advanced stage. It should also be noted that BY1 places no requirement on housing schemes to deliver a proportionate quantum of the requisite 5ha of employment land. Accordingly, in the face of what officers consider an acceptable use of the site, I do not consider a refusal based in effect on reserving the site for a potential employment use would be sustainable.

The impact of development upon adjoining residential property

- 6.17 CS Policy SD1 requires, *inter alia*, that proposals make efficient use of land – taking into account the local context and site characteristics. It also requires the safeguarding of residential amenity for existing and proposed residents. Concerns in respect of the original proposal resulted in the submission of the reduced scheme. The enlarged extract from the original layout plan below illustrates the issue in respect of the northern tip of the site and the impact of unit 25 (blue) in particular relative to No.20 Hereford Road (Westfields).

Original submission



6.18 **Amended layout now before Members**



Via the amended scheme it can be seen that the POS has been extended to form a buffer against No.20 and that units 20 and 21 are now marginally further away from the common boundary with the nearest property in Drovers Orchard; which presents a side elevation of the garage in this direction. I am content that the impact on neighbours in this location is now acceptable and compliant with SD1.

6.19 Letters of representation have been received in relation to both the original and amended scheme from the owners of 19 and 21 Hatton Park – as shown in the extract of the amended layout below.



- 6.20 The properties backing on to Hatton Park are all two-storey. They are a pair of 'Caddington' (dark blue), 3 pairs of 'Halstead' (light blue) and two, detached 'Warwicks' (yellow).

The rear elevation of the Caddington is below. At first floor, there is a bathroom window and a window to bedroom no.2 in each property.



Back Elevation

The rear elevation of the detached 'Warwick' (yellow on plan) is below. There is a landing window, bathroom window (obscure glazed) and a bedroom window serving bedroom no.3.



Back Elevation

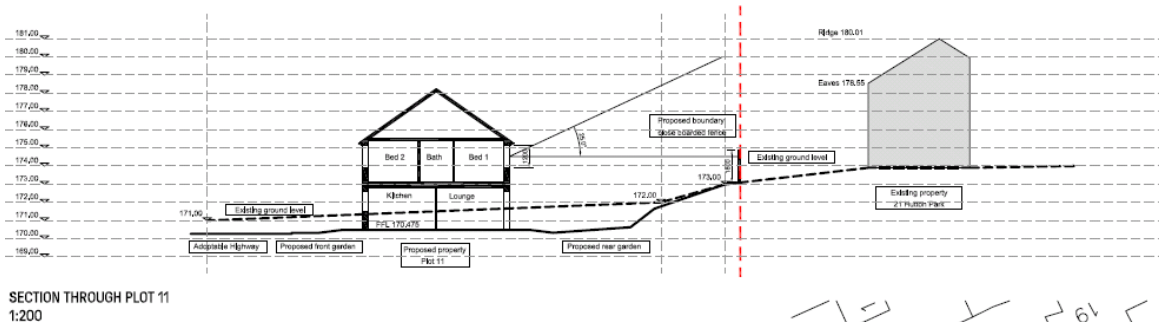
The rear elevation of 'The Halstead' is below. The windows at first floor serve bedroom No.1.



Back Elevation
1: 100

- 6.21 Relative to No.21 Hatton Park, units 10 and 11 (a pair of 'Halsteads') are 12.5 metres from the common boundary, with 20 metres between the buildings. Unit 12 is slightly further distant from No.21. Unit 13 straddles the common boundary between No.19 and No.21 Hatton Park, but is reasonably well removed from both.

- 6.22 Units 13, 14 and 15 are 8, 10 and 12 metres from the boundary with No.19 and in the region of 25m from the dwelling itself.
- 6.23 Units 8 and 9 (on rising ground), are 14m and 15m from the boundary with No.20 Hatton Park and the building-to-building distance is approximately 26m.
- 6.24 To further illustrate the relationship and the ground level differential, the applicants have prepared a cross-section drawing through Plot 11, extending to No.21 Hatton Park:



- 6.25 This illustrates that finished-floor levels are 3.5m lower at Plot 11 than No.21 Hatton Park. I am also mindful of the proposed 1800mm close-boarded fence intervening at the bottom of the garden to the development plots and thus on what is, relatively speaking, elevated land. As a consequence the boundary treatment and existing hedgerow will serve to mitigate the direct overlooking from the first floor of the properties on the development towards dwellings in Hatton Park.
- 6.26 Whilst I appreciate the objector's concerns and preference for single-storey dwellings, I am mindful of the separation distances involved, ground level differential, intervening boundary treatments and the nature of rooms served by the windows – bathrooms, landings and bedrooms. I do, however, recognise that harm might ensue if permitted development rights for roof extensions were undertaken and recommend that permitted development rights for such alterations are removed. With this additional safeguard in mind, I am of the view that the impact of the proposal on the living conditions of occupiers of properties in Hatton Park is acceptable.
- 6.27 I likewise consider the relationship between the application site and dwellings in Drovers Orchard acceptable.
- 6.28 At the site's southern tip, three bungalows are proposed adjacent Ashfields House. The shared, private drive serving these dwellings runs parallel to the common boundary. Plot 1 presents a flank elevation to the curtilage to Ashfields House. I recommend a condition removing permitted development rights for the future installation of openings in this elevation, such that openings are limited to the window serving the lounge. The front elevation has a door, kitchen window, hallway window and bedroom window.



Front Elevation Wray

1:100

- 6.29 Given the intervening shared drive I am of the view that the relationship is acceptable and although the boundary plan doesn't denote close-boarded fencing or equivalent, were something installed along the common boundary, this would further ameliorate the issue.
- 6.30 Within the scheme itself I am content that plot sizes are adequate – albeit the 'corner-turning' units generate irregular shaped gardens that perhaps limit utility to a degree. Overall standards of privacy within the scheme would, in my view, be acceptable.

Procedural issues relating to the service of notice on the agricultural tenant and adjoining residents

- 6.31 This issue can be sub-divided into two parts. Firstly, the owners of Ashfields House and Westfields House consider that the red line encroaches into land within their respective ownerships. This has been raised with the solicitors acting for the applicant and reviewed by the LPA's own solicitors. Both sets are content that the evidence of title is clear and that the red line does not incorporate land in third party ownership. In any event all parties are aware of the alleged infractions and in my view there is no prejudice arising. If further incontrovertible evidence were to be presented in due course contesting this conclusion, then that would be a civil matter. For the purposes of determining this application, however, it is officers' advice to Members that they may do so safely on the evidence that has been presented hitherto.
- 6.32 The second part refers to the notice served on the agricultural tenant and its timing relative to the depositing of the planning application. In summary, the agricultural tenant is of the view that the relevant statutory provisions require notice of the application to be served 21 days before the application is deposited. It is my view that this interpretation is incorrect. Rather, notice must be served on all those who 21 days before the date of the application had an interest in the land. Thus there is no requirement to serve notice and then wait 21 days before depositing the application.
- 6.33 It is my view that the application as deposited, is a valid planning application.

The impact on the continued use of Bromyard Cricket Club ground

- 6.34 Bromyard Cricket Club lies off to the north-west of the application site and shares a common boundary with the application site. It is understood the two nets on the cricket ground's southern boundary are on land forming part of the adjacent High School – the relationship can be seen on the aerial view below.



- 6.35 Plots 6, 7 and 8 would be in closest proximity to the cricket ground. It is clear from the NPPF (paragraph 182) and case law, that prejudice to the continued use of an existing facility is a material consideration. On the basis that the development could, if not mitigated, have an impact on the continued use of the cricket ground a cricket boundary assessment was commissioned and Sport England, the English Cricket Board and Bromyard Cricket Club consulted. As reported at 4.2 above Sport England initially submitted a holding objection. This on the basis that the first iteration of the assessment was a desk-based exercise, not taking account of ground level differentials *and* that the provision of a link to the school passing to the rear of the nets, could lead to conflict and safety issues with pedestrians going to and from school.
- 6.36 However, further to the second iteration of the assessment (based on a site visit by 'Labosport') Sport England has resolved to remove its objection subject to a condition requiring the installation of slightly higher ball-netting to be agreed in writing with their input. The Sport England response also speaks for the ECB and infers that dialogue with the Cricket Club has overcome the concerns with the pedestrian/cycle link facility; this on the basis that the school drop off and pick up times are unlikely to coincide with use of the nets. I'd stress that at the time of writing, a response on these points from the Cricket Club is still awaited. However, even if the Cricket Club continues to object, the Local Planning Authority cannot rely on support in this view from Sport England and/or the ECB, which in the view of officers would significantly weaken the club's objection were it used as a basis to refuse the application.
- 6.37 Accordingly as Sport England and the ECB has no objection subject to conditions, I am content that in this case the applicant or 'agent of change' (as per NPPF #182) can demonstrate suitable mitigation before the development has been completed.

Water supply and drainage

- 6.38 Welsh Water has no objection to the scheme subject to the imposition of conditions. The concerns relayed by the Council's Land Drainage consultant can be, in my view, subject to a suitably worded planning condition requiring the submission of the details outlined in the bullet points given in their response at 4.5. Subject to such a condition I detect no conflict with CS policies SD3 or SD4.

- 6.39 In respect of water supply, Welsh Water has recommended a condition. The extract in bold type at 4.1 above indicates that subject to the developer agreeing, a connection could be made at the point specified. This is a matter that can be addressed by condition.

Loss of agricultural land and matters relating to landscape character

- 6.40 The agricultural land extends to c.0.65ha. It is permanent pasture or grazing land, not in arable production. I am of the view that any disbenefit arising from the loss of this land is not capable of significantly and demonstrably outweighing the benefits arising from the scheme; most notably the supply of open market and affordable housing.
- 6.41 Moreover, I note the concern arising from the loss of hedgerow to this parcel arising from the requirement to provide visibility from the junction. The submitted boundary materials plan indicates 1100mm high deer park style metal railing across the A465 frontage. This is not unattractive per se, but I consider that where feasible – and it would appear feasible as a boundary to the POS - native species hedgerow ought to be re-planted (in substitution for the shrub planting shown on the landscaping drawing). This is a matter that can be controlled by a suitably worded condition in a manner that complies with CS Policies LD1 and SD1.

Sustainable design and construction

- 6.42 The Core Strategy Policy SD1 is relevant in assessment of the scheme's sustainability in design terms and this is supplemented by Chapter 12 of the NPPF 2018 – Achieving well-designed places.
- 6.43 SD1 requires that development proposals should incorporate the 11 criteria set down. These include the utilisation of sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials as well as the utilisation of physical sustainability measures. Such measures might include the orientation of building, the provision of water conservation measures, storage for bicycles and waste, including provision for recycling and renewable energy and energy conservation infrastructure.
- 6.44 In response to SD1, the developer has asked that the following be taken into account:-
- Provision of 1,655m² of Public Open Space (POS) – above the requirement of c.1200m²;
 - Included within the POS will be a LAP for children's play;
 - Provision of 40% affordable housing;
 - Provision of housing to meet the requirements of current Building Regulations;
 - Provision of 3 bungalows suitable for adaptation to wheelchair standards;
 - Footpath links to the adjoining school to take current access off Hereford Road;
 - Through the DRP a commitment to promote local economic benefits and employment;
 - The site will be accessible by and would facilitate a genuine choice of travel options other than the private motor car – as set out in the Transport Statement and Travel Plan.
- 6.45 Absent from the list, other than via compliance with Building Regulations, is a commitment to provision for recycling and bike storage or the enablement of renewable energy generation. Moreover, whilst I note the commitment via the DRP to promote 'local economic benefits and employment' I cannot be certain what this means in practice and how it might be regulated.
- 6.46 I think, however, that it is reasonable to impose a planning condition requiring:-
- a) A scheme promoting recycling of food waste; perhaps via composting facilities;
 - b) A requirement to meet the water conservation and efficiency measures outlined in Policy SD3;

- c) A scheme for cycle storage;
- d) A scheme to examine the feasibility of making provision for electric car charging points within the development.

6.47 With such conditions in place I consider that the scheme will comply with SD1. In terms of the scheme's appearance, I consider it would be in keeping with the surrounding environment, which is comprised mostly of post-war residential development.

Highways and Transportation

- 6.48 MT1 is the relevant policy of the CS. Emphasis is placed on promotion of sustainable modes of travel in order to reduce reliance on the private motor car. The scheme has been discussed at length and latterly a technical note has been produced in support of the pedestrian crossing points and visibility at the main junction. The footpath link to the school has also been designed in order to achieve a route without steps at an appropriate gradient.
- 6.49 The Traffic Manager at 4.9 relates technical note, which in the case of the pedestrian crossings has justified the approach through gap analysis i.e. assessment of the time taken to cross the carriageway and the number of opportunities of requisite duration that are presented during peak hours. He is content that subject to detailed design (work within the publicly maintained carriageway will require a s278 agreement), both pedestrian crossing points are acceptable, as is the visibility achievable at the main junction; which has been derived from measured speed data.
- 6.50 The footpath link to the school is a particular benefit arising; as noted by the Chair of the Governors of the Queen Elizabeth High School at 5.4 above. Hitherto pupils arriving from south of the A44 will typically have to cross the A44 (absent a continuous footway on the south side of this road), twice. Although the link through the site will require pupils to negotiate the A465, this is considered preferable overall and likely to result in a greater number of pupils being able to walk to and from school. There is uncertainty insofar as who will be responsible for delivering the link from the site boundary over the school grounds, but given the support expressed by the school and the Council interest in the land, I think it reasonable to impose a *Grampian* condition requiring fulfilment of the link in accordance with a timetable to be agreed in writing. It would not, from a practical perspective, be reasonable to insist on delivery prior to first occupation of any of the dwellings as this might mean pupils walking through a construction site.
- 6.51 The NPPF confirms that schemes should only be refused where the residual cumulative impacts in respect of highway safety are severe. This is not the case here and the scheme is considered to accord with CS Policy MT1.

S106 – mechanism for delivery

- 6.52 The Council (as landowner) cannot covenant with itself (as local planning authority) to enter into a s.106 agreement. In two-tier authorities, an alternative is to enter into an agreement with the relevant 'other' tier of local authority, but that option does not exist in Herefordshire. Moreover, in the context that the Council does not intend selling the site to the house-builder, there isn't scope to impose a condition requiring the purchaser to enter into a section 106 agreement once the land is sold by the Council.
- 6.53 In this context, legal advice has been sought. In respect of the affordable housing there appears no impediment to relying on a planning condition requiring the submission of a scheme for the affordable housing. Such a condition would be enforceable by the local planning authority against those with control of the land or any party carrying out development in breach of the condition.

- 6.54 In respect of the financial contributions required (as per the attached draft Heads of Terms), payments of money cannot be secured by condition. It is therefore proposed that this is dealt with by the imposition of a condition providing that no development shall take place until evidence has been provided to the satisfaction of the local planning authority that provision will be made for local infrastructure. It is anticipated that a draft section 106 agreement will be prepared and agreed with the local planning authority, and that the evidence to be submitted pursuant to the condition will take the form of a clear and unambiguous statement made on behalf of the Council to the effect that it will adhere to the terms of this agreement.
- 6.55 The statement will also provide that any purchaser will be required to enter into the section 106 agreement in the event the Council decides to dispose of the land. Advice tends to the view that the 'clear and unambiguous' statement will be likely to be in the form of a resolution of the Council's cabinet, which would provide public, minuted evidence of the Council's intent to honour the obligations in the section 106 agreement.
- 6.56 With regards to the on site open space, the council no longer adopts these areas and the management and maintenance of these areas is usually secured through a section 106 agreement. There is no reason why a condition cannot be imposed requiring the submission of a scheme for the management and maintenance of the open space.

7. Summary and Planning Balance

- 7.1 The decision must, absent a 5-year supply of housing land with buffer, be made in the context of the presumption in favour of sustainable development. Thus NPPF paragraph 11 d) ii) is engaged and planning permission should be granted for development involving the supply of housing unless the adverse impacts of so doing significantly and demonstrably outweigh the benefits.
- 7.2 The report addresses the main issues and identifies that the contribution that the scheme would make to the delivery of housing, and in particular affordable housing, is a significant material consideration telling in favour of the scheme. The supply of housing offers both economic and social benefits and the potential, in this case, to remediate and re-use the previously developed part of the site. To this extent the scheme would fulfil certain environmental objectives too.
- 7.3 In other respects, officers are content that subject to the imposition of conditions removing permitted development rights for roof alterations at certain plots, impacts on residential amenity can be adequately mitigated such that the development would comply with CS Policy SD1.
- 7.4 Officers are conscious of the ongoing search for employment land in Bromyard, but for the reasons outlined above, do not consider that consideration of this application can reasonably be postponed pending the conclusion of the employment land review. Redevelopment of this site for housing has obvious benefits, but moreover cannot, in the view of officers, be considered fatal to the prospects of delivering the 5ha that BY1 requires. In forming this view, regard has also been had to the advice of the Economic Development Manager, who has outlined his view in respect of the apparent absence of latent demand for employment land in Bromyard. Overall, therefore, officers consider that refusal on the basis the scheme is premature would not be supported by the terms of Government policy as expressed at paragraph 49 of the NPPF.
- 7.5 Concerns have been expressed in respect of the additional pressure on local services, yet subject to the fulfilment of financial contributions, neither the CCG or Wye Valley Trust objects to the development. The Chair of Governors at the High School has written in support of any development that has the potential to increase the student role in the context of spare capacity.
- 7.6 Officers conclude, therefore, that in the context of the correct approach to decision-making in these circumstances, planning permission should be granted subject to conditions.

RECOMMENDATION

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 by officers:

1. **C01 Time limit for commencement (full permission)**
2. **C08 Amended plans**
3. **C13 Samples of external materials**
4. **With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further 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 so as to comply with Herefordshire Local Plan – Core Strategy Policies SD3 and SD4.

5. **With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any of the dwellings hereby permitted. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.**

Reason: To ensure the site is served by a suitable potable water supply.

6. **Prior to the first occupation of any of plots 6, 7 and 8 (as identified on the approved plan drawing Site Plan D01 Rev AG), full details of the design and specification of the ball stop mitigation, including details of management and maintenance responsibilities, as set out in the revised Labosport Cricket Boundary Assessment dated 22nd November 2018 must have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved details shall be fully installed before any of plots 6, 7 and 8 are first occupied and thereafter be managed and maintained in accordance with the approved details.**

Reason: To provide protection for the occupants of the development and their property from potential ball strike from the adjacent playing field, to reduce conflict between neighbours and therefore safeguard the sporting use of the adjacent sports facilities in accordance with paragraph 182 of the National Planning Policy Framework 2018.

7. **In respect of those dwellings that face the A465 Hereford Road (plots 29-38**

inclusive as identified on the approved plan drawing 'Site Plan D01 Rev AG), the mitigation proposed in the noise report by John Waring dated 2nd November 2018 shall be implemented in full.

Reason: In order to ensure that a satisfactory level of noise attenuation is provided at the dwellings affected so as to comply with Herefordshire Local Plan – Core Strategy Policy SD1.

8. C96 Landscaping scheme
9. C97 Landscaping implementation and management plan.
10. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details in accordance with a timetable to be agreed in writing with the Local Planning Authority.
 - Greenfield runoff rates and detailed drainage calculations, including storage calculations that are based on the 2013 FEH rainfall data.
 - Updated calculations of existing and proposed runoff rates and attenuation volume for the proposed development using correct impermeable areas.
 - Amended 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 an including the 1 in 2 annual probability storm event.
 - Amended calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event.
 - Detailed drawings of the proposed drainage system including details of proposed attenuation structures and flow controls.
 - Confirmation of the proposal to abandon and make safe the existing cesspit and redirect flows from the neighbouring property into the proposed drainage system. Note that it is expected that consultation will be undertaken with the Environment Agency regarding the need to remove the cesspit and remediate potentially harmful contamination.
 - Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system.
 - Operation and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

Reason: To ensure the site is drained in a manner that complies with Herefordshire Local Plan – Core Strategy Policies SD3 and SD4.

11. With the exception of any site clearance and groundwork (site clearance and groundwork excludes any works to retained features), no further development shall commence until details of the play area within the public open space (including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins) has been submitted to and approved in writing by the Local Planning Authority. The play area shall be constructed in accordance with the approved details and thereafter retained prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to comply with the requirements of Policies OS1 and OS2 of the

Herefordshire Local Plan – Core Strategy.

12. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall commence until the council has approved in writing a Management Company Plan that sets out the long term management and maintenance of the Open Space Facilities; the establishment of a Management Company; the freehold transfer of the Open Space Facilities to the Management Company and the recovery by that Management Company of service charge contributions from the owners of the Open Market Units towards the upkeep and permanent maintenance of the Open Space Facilities. The approved Management Company Plan shall be implemented prior to the first occupation of any of the dwellings hereby approved and retained thereafter.

Reason: In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy.

13. CAB Visibility at the main junction 2.4m x 111m (north) and 148m (south)
14. Visibility splays of 1.5m x 109m to the north and 1.5m x 100m to the south shall be provided on both sides of the carriageway for the pedestrian crossing point to the north-east of the vehicular access into the site, as identified on the approved site plan drawing D01 Rev AG. The crossing shall be installed prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to ensure satisfactory pedestrian crossing facilities in order to promote sustainable transport modes in accordance with Herefordshire Local Plan – Core Strategy Policy MT1.

15. Visibility splays of 1.5m x 76m to the north and 1.5m x 53m to the south shall be provided on both sides of the carriageway for the pedestrian crossing point to the south-west of the vehicular access into the site, as identified on the approved site plan drawing D01 Rev AG. The crossing shall be installed prior to the first occupation of any of the dwellings hereby approved.

Reason: In order to ensure satisfactory pedestrian crossing facilities in order to promote sustainable transport modes in accordance with Herefordshire Local Plan – Core Strategy Policy MT1.

16. CAP S278 works including Road Safety Audit 2, 3 and 4
17. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a detailed scheme for the pedestrian/cycle link to the Queen Elizabeth High School has been submitted to and approved in writing by the Local Planning Authority. The pedestrian/cycle link shall thereafter be installed in accordance with the approved details in accordance with a timetable to be agreed with the Local Planning Authority.
18. CAL Access, turning area and parking
19. CAS Road completion (2 years)
20. CAT Wheel washing
21. CAZ Parking for site operatives

22. CB2 Secure, covered cycle parking provision

23. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a detailed habitat enhancement scheme, based on the indicative measures proposed in the ecology report by Ecus consultancy dated April 2018, has been submitted to and approved in writing by the local planning authority, and the scheme shall be implemented and hereafter maintained as approved.

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 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC Act 2006.

24. With the exception of site clearance, to include removal of the existing built development and hardstanding upon the site, no further development shall take place until a scheme comprising the following has been submitted to and approved in writing by the Local Planning Authority:-

- a) A scheme promoting the recycling of food and garden waste;**
- b) A requirement to meet the water conservation and efficiency measures outlined in Policy SD3;**
- c) A scheme to examine the feasibility of making provision for electric car charging points within the development.**

The schemes approved shall be implemented in full and in the case of a) and c) in accordance with a timetable to be agreed in writing with the Local Planning Authority.

25. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework July 2018 or any document that replaces it. The scheme shall include:

- (i) The numbers, type and tenure on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units**
- (ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of market housing**
- (iii) The arrangements for the transfer of the affordable housing to an affordable housing provider (or for the management of the affordable housing if no registered provider is involved)**
- (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, or for the subsidy to be recycled for an alternative affordable housing provision; and**
- (v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced**

Reason: To ensure the provision of affordable housing in accordance with Herefordshire Local Plan – Core Strategy Policy H1.

26. No development shall take place until evidence has been submitted to and approved by the local planning authority demonstrating to its satisfaction that suitable arrangements have been made for the provision of;

- enhanced educational infrastructure at St Peters Primary School;
- sustainable transport infrastructure to serve the development, comprising
 - a) traffic Regulation Order to extend the 40mph speed limit beyond Panniers Lane;
 - b) the provision of dropped crossings and pedestrian refuge to facilitate access to the school on the A465;
 - c) the extension of the footway towards Panniers Lane with dropped crossings and pedestrian refuge to facilitate access to local facilities including the Hope Family Centre; and
 - d) the provision of new bus infrastructure
- waste and recycling bins
- sports facilities
- primary and community healthcare services in Bromyard
- the provision of healthcare services at Hereford County Hospital

Reason: To ensure that suitable mitigation is provided in respect of the effects of the development on local infrastructure.

27. 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 the south-east facing flank elevation of plot 1 – as identified on the approved site plan drawing D01 Rev AG.

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

28. 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 Class B of Part 1 to Schedule 2 (*additions etc to the roof of a dwellinghouse*), shall be carried out at any of the plots numbered 8 to 17 inclusive on the approved site plan drawing D01 Rev AG.

Reason: For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy [and the National Planning Policy Framework].

29. CBK Hours of work

30. CCK Details of slab levels

INFORMATIVES:

1. IP1

2. S106

4. I07

5. I08

6. I09

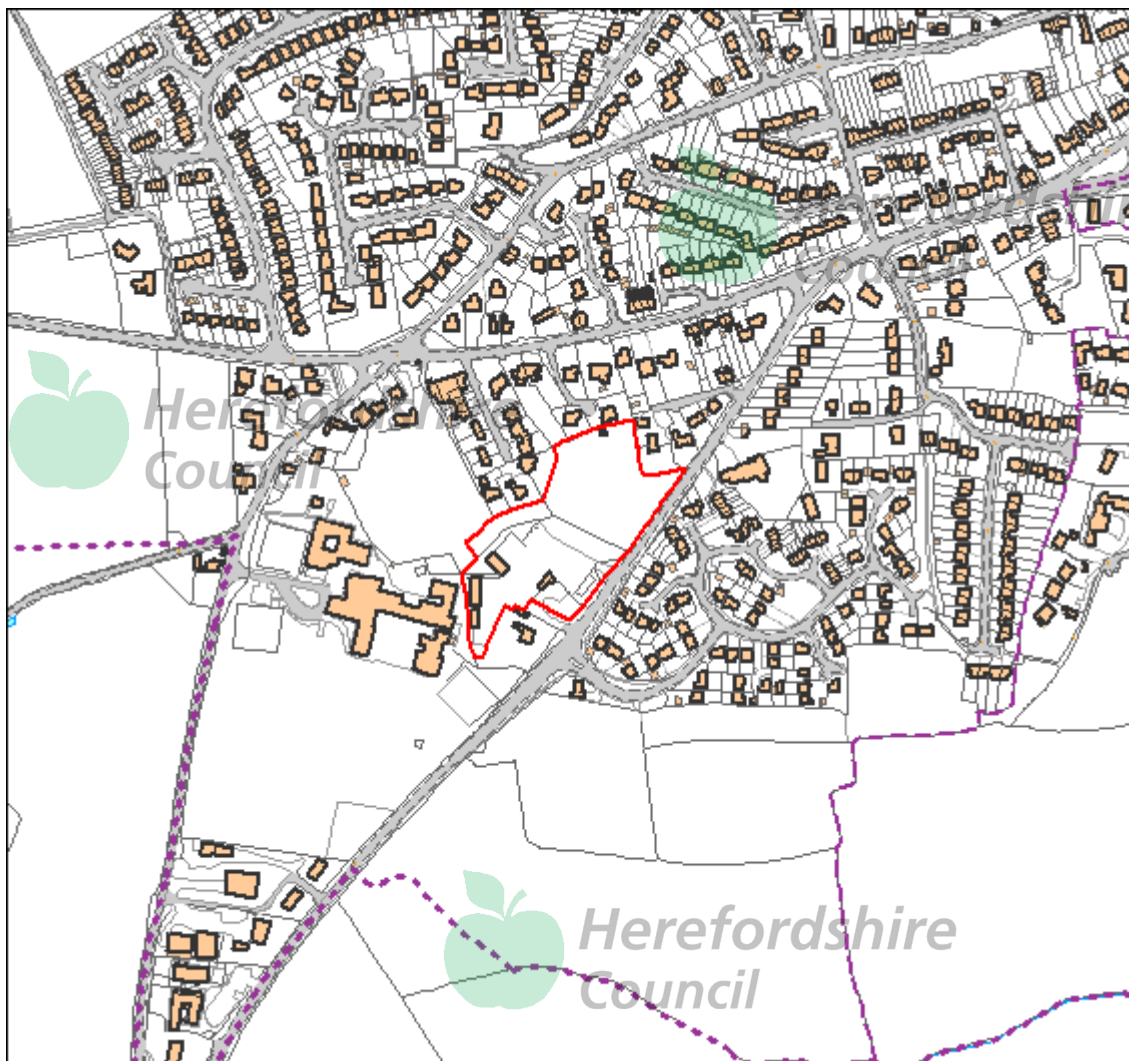
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182239

SITE ADDRESS : LAND OFF HEREFORD ROAD, BROMYARD, HEREFORDSHIRE

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