

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 25 October 2023**

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Time: **10.00 am**

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Place: **Herefordshire Council Offices, Plough Lane, Hereford,  
HR4 0LE**

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Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:  
[Planning and Regulatory Committee - Wednesday 25 October 2023 10.00 am](#)

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Planning and Regulatory Committee**

## **Membership**

**Chairperson**            **Councillor Terry James**  
**Vice-chairperson**   **Councillor Clare Davies**

**Councillor Polly Andrews**  
**Councillor Bruce Baker**  
**Councillor Dave Boulter**  
**Councillor Simeon Cole**  
**Councillor Dave Davies**  
**Councillor Elizabeth Foxton**  
**Councillor Catherine Gennard**  
**Councillor Peter Hamblin**  
**Councillor Daniel Powell**  
**Councillor Stef Simmons**  
**Councillor John Stone**  
**Councillor Richard Thomas**  
**Councillor Diana Toynbee**

## Agenda

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To approve the minutes of the meeting held on 27 September 2023.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
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<b>6. 190111 - LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE</b>	35 - 92
Outline planning application for the erection of up to 120 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from the A44. All matters reserved except for means of access.	
<b>7. 223248 - BUILDING AND CURTILAGE OF GREENACRES BUNGALOW AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY, HEREFORDSHIRE</b>	93 - 150
Proposed demolition of existing buildings on site and erection of Retirement Living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works.	
<b>8. 232106 - STABLES, BOWLERS LANE, LITTLE BIRCH, HEREFORD, HR2 8BB</b>	151 - 164
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Date of next meeting – 22 November 2023	



# The Public's Rights to Information and Attendance at Meetings

## YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## Recording of meetings

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## Travelling to the meeting

The Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at: <http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.



### Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Dave Boulter	Independents for Herefordshire
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Daniel Powell	Liberal Democrat
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Richard Thomas	Conservative
Councillor Diana Toynbee	The Green Party

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the service director, regulatory, believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

## **Who attends planning and regulatory committee meetings?**

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may attend as observers but are only entitled to speak at the discretion of the chairman.)

## **How an application is considered by the Committee**

The Chairperson will announce the agenda item/application to be considered. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

## **Public Speaking**

The Council's Constitution provides that the public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting (see note below)
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues



- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

*(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:*

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

### **Role of the local ward member**

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.



**The Seven Principles of Public Life  
(Nolan Principles)**

**1. Selflessness**

Holders of public office should act solely in terms of the public interest.

**2. Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

**3. Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

**4. Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

**5. Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

**6. Honesty**

Holders of public office should be truthful.

**7. Leadership**

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.



**Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 27 September 2023 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Clare Davies (vice-chairperson)

**Councillors:** Bruce Baker, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, Louis Stark, John Stone and Richard Thomas

**In attendance:** Councillors Bramer and Swinglehurst

**Officers:** Locum Solicitor, Planning & Highways, Highways Representative and Development Manager Hereford and South Team

**29. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Polly Andrews, Dave Boulter, Dan Powell and Diana Toynbee.

**30. NAMED SUBSTITUTES (IF ANY)**

Councillor Louis Stark acted as a substitute for Councillor Polly Andrews.

**31. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**32. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 6 September 2023 be approved.

**33. CHAIRPERSON'S ANNOUNCEMENTS**

**34. 221395 - TREDUCHAN FARM, LLANGROVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6EZ**

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Saunders spoke on behalf of Llangarron Parish Council, the Clerk read out a written statement by Mr Thackeray on behalf of local residents who object, and Mr Tompkins, the applicant's agent, spoke in support of the application.

In accordance with the council's constitution the local award member spoke on the application, she explained that the application has local support for the conversion of local stone buildings as long as they are carried out sensitively. Instead, the application's proposal to remove modern farm buildings with new dwellings is where local people and the parish council is not supported as this is contrary to NDP policy and RA3 of the Core Strategy. The

local ward member asked members to consider whether the fall-back position, the existing class Q permission, was sufficient enough to set aside the aforementioned NDP and RA3.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The new barns are not sympathetic to the existing farmstead and historic buildings.
- The conversion of the old barns appears to have local support whilst the conversion of the new barns are already covered by Class Q which means that even if the application is refused, then Class Q will come into play and the old barns will be converted but not to a standard that this application would allow.
- The site needs to be developed as a whole and conditions will come into play and local stone, for example, can be used which covers the objections against the new barns' design and appearance.

The local ward member was given the opportunity to close the debate. She explained that Class Q should not be used as leverage to determine the outcome of the application. She thanked members for the debate and awaited the outcome.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Bruce Baker and seconded by Councillor Clare Davies. The motion was put to the vote and was carried unanimously.

**Resolved:**

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

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

2. **The development shall be carried out strictly in accordance with the approved plans (drawing nos. P002C; P003D; P100B; P101B; P102B; P103B; P104A; P105A; P106A; P107A; Permissive path route), except where otherwise stipulated by conditions attached to this permission. Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

3. **With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

4. **Prior to first occupation of the approved development, a landscape scheme shall be submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:**
  - a) **Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.**
  - b) **Trees and hedgerow to be removed.**
  - c) **All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
  - d) **All proposed hardstanding and boundary treatment.**

**Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

5. **Before the development is first occupied a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.**

**Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

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

**Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy RA5 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

7. **With the exception of site clearance and groundworks, no further development shall commence until detailed surface water and foul water drainage layout and construction drawings have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the occupation of the development hereby approved.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

8. **Unless otherwise approved in writing by the planning authority, all foul water created by any development permitted under this permission**

shall discharge through connection to the local mains sewer network managed by Welsh Water's Goodrich Wastewater Treatment Works.

**Reason:** In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

9. Unless otherwise approved in writing by the planning authority, all surface water shall discharge through a suitably sized Sustainable Drainage System (SuDS).

**Reason:** In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

10. At no time shall any external lighting, except low power (under 550 Lumens/5 watts), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Bat Conservation Trust or Institution of Lighting Professionals.

**Reason:** To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

11. The ecological protection working methods scheme and mitigation measures (including specific Bat related recommendations) as detailed in the ecology report by Naturally Wild dated April 2022 shall be fully implemented and hereafter maintained unless otherwise approved in writing by the local planning authority.

**Reason:** To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.



12. Prior to any new construction work commencing a detailed scheme and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features such as at least TEN habitat boxes supporting bird nesting and TWO hedgehog homes and 'hedgehog highways' through all solid boundary features must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority. All tree and woody shrub planting should only consist of locally characteristic native species.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

14. Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

15. Before any other works hereby approved are commenced, visibility splays as per drawing P002 rev C should be provided. Nothing over 0.6m in height, measured from the height of the carriageway of the public highway, should be placed within the splays.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

16. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

17. Prior to the first occupation of the dwellings hereby approved the existing vehicular access points onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement

of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of any work in relation to the closure of the access points.

**Reason:** To ensure the safe and free flow of traffic using the adjoining County highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19. Those parts of the development which are to be of stonework shall be of local stone, properly coursed, laid on its natural bed in a mortar approved by the local planning authority prior to the commencement of any works to the stonework.. The works shall be carried out in accordance with the approved details

**Reason:** In the interests of conserving the character of the building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

20. All alterations to external elevations shall be made good using matching and where available original materials.

**Reason:** To maintain the appearance of the building so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

21. Prior to the first occupation of the dwellings hereby permitted, a scheme of the Implementation, management and maintenance of the permissive path detailed on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The path shall be made available for use and thereafter managed in accordance with the approved details prior to the first occupation of the dwellings hereby permitted.

**Reason:** To provide alternative means of pedestrian access in accordance with the aims of policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## INFORMATIVES:

### 1. Application Approved Following Revisions

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

3. **THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL** under the Building Regulations 2010. The works may also require Building Regulations approval.

In relation to energy efficiency, the Approved Document Part L1B makes specific reference to exemptions and considerations for certain building types, including, '*Buildings of traditional construction with permeable fabric that both absorbs and readily allows the evaporation of moisture*'.

They advise, '*the aim should be to improve energy efficiency as far as is reasonably practicable...work should not prejudice the character of the host building or increase the risk of long-term deterioration of the building fabric or fittings.*'

**Additional guidance on appropriate materials can be found online in the following document:**

- ***Energy Efficiency and Historic Buildings - Application of Part L of the Building Regulations to historic and traditionally constructed buildings; Historic England, 2015.***

**35. 181384 - FIELD ADJOINING A4112 AND CHESTNUT AVENUE, KIMBOLTON, LEOMINSTER**

The Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Mears spoke on behalf of Kimbolton Parish Council and Mr Robinson spoke in objection to the application.

In accordance with the council's constitution the local award member spoke on the application, he referred to outline planning permission from December 2015 that was given for the development of up to 21 dwellings in the field adjoining A4112 and Chestnut Avenue. The application was then revised made in full as opposed to outline for 25 dwellings. Kimbolton Parish Council supported the 2018 application and was endorsed as part of the Kimbolton NDP which was supported in their local referendum. Since 2018, there has been an issue of phosphate with the application site within the hydrological catchment of the River Lugg and progress was stalled for four years. The council's approach is to offer phosphate credits as they become available and they are now available for the application proposal and on the basis of mitigation provided, positive appropriate assessment has now been completed. Natural England agrees that with the appropriate nutrient neutrality in place, there are no adverse effects on the River Wye Special Area of Conservation (SAC). The most significant change from the 2018 report has been the applicants' agreement to increase the number of affordable housing from 4 to 6 although the total number remains the same. Whilst the affordable housing element of 24% is not as high as originally proposed in 2015, this is a significant improvement. Kimbolton PC requested that affordable housing is offered strictly to local persons with family or similar historical connections, and it is pleasing that the affordable housing units are to be offered to those with a local connection. It was noted that the parish council have asked to be directly consulted on the allocation of Section 106 monies, set aside specifically for the community of Kimbolton, and hopes that this will be agreed. It was added that drainage and flooding are the main issue of concern raised during consultation. Highway safety was also raised as a concern for the village and the provision of traffic calming is a priority for the parish council. It was requested that the parish council are involved in discussing all traffic related proposals with the relevant officer. The local ward member requested that extra sporting facilities and equipment be provided as part of the S106 agreement.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The building of both affordable housing and bungalows was welcomed by members.
- Pleased with improvement in planning contribution by developer, particularly in relation to affordable housing.
- The principle of development was supported in this location with existing bus route and road links cited as supporting factors.
- The use of materials are to be in keeping with the surrounding area in terms of design and appearance.
- Flooding and drainage could be exacerbated by heavy rainfall, however, it was felt that these concerns were answered in the report.

- Concerns regarding connectivity to existing ecological highways and networks were raised. In particular, preference for connectivity to the tree boundary along the sunken lane to the north-east of the site to be joined up with the hedgerows was noted. Two field accesses were raised as unnecessary with the impact of heavy goods vehicles accessing the site.
- The offer of solar panels to purchasers of the dwellings.

The local ward member was given the opportunity to close the debate. He explained that keeping the hedgerow is important and that no trees should be lost as a result of the application. It was noted that this is the most important development to Kimbolton and represents a huge improvement compared with the earlier scheme. Kimbolton stands to benefit from this development in many ways and he expressed his agreement with the officer's recommendation for approval subject to a completion of an S106 agreement and the conditions being met.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Richard Thomas and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried unanimously.

**Resolved:**

**That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report 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 or amendments to conditions considered necessary:**

**General Conditions**

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
  
2. **The development shall be carried out strictly in accordance with the approved plans (Drawing Nos Inserted) except where otherwise stipulated by conditions attached to this permission.**  
  
**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**Details required prior to commencement**

3. **Prior to commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any demolition and/or groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 4. Prior to commencement of development, a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods, retained tree and hedgerow protection scheme and consideration of all environmental effects of construction processes shall be supplied to the LPA for written approval.**

**The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the local planning authority.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council’s declared Climate Change & Ecological Emergency.**

- 5. Prior to commencement of development, a detailed Landscape Ecological Management Plan (LEMP) should be supplied for written approval by the local planning authority. The LEMP must include full specifications for proposed Hedgerow planting (minimum of 7 woody plants per meter in a double staggered row); standard hedgerow trees (planted at random spacings based on 1 tree per 10m of hedgerow); specification for wildflower rich grass seed; and an establishment and maintenance plan.**

**The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.**

**All species proposed should be locally characteristic, native species considering climate change and pest-pathogen resilience. No spikey or thorny species should be planted adjacent to any highway, footway or areas of formal public open space.**

**Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan**

**- Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council’s declared Climate Change and Ecological Emergency. Compliance with Highways Design Guide and to consider resident**

safety.

6. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:
- a. Construction Access details (including visibility splays and any boundary treatments)
  - b. Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.
  - c. Parking for site operatives and visitors which shall be retained and kept available during construction of the development.
  - d. A plan to show the location of site offices and rest areas for staff
  - e. A noise management plan including a scheme for the monitoring of construction noise.
  - f. Details of working hours and hours for deliveries
  - g. A scheme for the control of dust arising from building and site works
  - h. A scheme for the management of all waste arising from the site
  - i. A travel plan for employees

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**No works with the exception of site clearance and groundworks**

7. With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. With the exception of site clearance and groundworks, no further development shall commence until a landscape scheme has been submitted and approved in writing by the local planning authority. The scheme shall include a scaled plan identifying:

- a) **Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.**
- b) **Trees and hedgerow to be removed.**
- c) **All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
- d) **All proposed hardstanding and boundary treatment.**

**The landscaping scheme shall be carried out in accordance with the approved details prior to occupation of the dwellings hereby approved.**

**Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 9. With the exception of site clearance and groundworks, no further development shall take place until the applicant has undertaken and cleansing work and CCTV survey on the existing highway drain to confirm its functionality. The details of that assessment shall be submitted to and approved in writing by the local planning authority and any remedial works undertaken prior to occupation of the dwellings hereby approved.**

**Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 10. Development shall not begin in relation to the provision of road and drainage infrastructure (on and off site works) until the following details are submitted to and approved in writing to the local planning authority:**

- **Visibility Splays**
- **Access Gradient**
- **Surface finishes**
- **Drainage details**
- **Future maintenance arrangements (including any technical approvals /adoption)**

**The development shall be carried out and thereafter maintained in accordance with the approved details before the occupation of any of the dwellings hereby approved (unless a phasing plan is submitted to and approved in writing by the Local Planning Authority)**



**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**Details required prior to occupation**

- 11. Prior to the occupation any dwelling hereby permitted, a Package Treatment Plant Management Plan for the management in perpetuity of the approved package treatment plant including all elements of monitoring, maintenance and dosing shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be written by a British Water Accredited Service Technician, or other suitably qualified professional, and all elements of management/maintenance shall only be carried out by a professional individual/company. Sludge shall be removed by a registered waste carrier. Management of the system shall then be in accordance with the approved details for the lifetime of the development.**

**Reason: To ensure that nutrient neutrality is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency. Compliance with Highways Design Guide and to consider resident safety.**

- 12. Prior to occupation of any dwelling hereby permitted, a schedule of implementation and landscape maintenance for any areas of outside of the residential curtilage shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with this approved schedule.**

**Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 13. Prior to the first occupation of any dwelling hereby permitted, an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core**

## **Strategy and the National Planning Policy Framework.**

14. **Prior to the occupation of any dwelling hereby permitted, full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained;**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

15. **Prior to the first occupation of any dwelling hereby permitted, a scheme demonstrating measures for the efficient use of water demonstrating a maximum water usage of 110l per person per day water usage shall be submitted to and approved in writing by the local planning authority and implemented as approved. The development shall be retained in accordance with the approved details thereafter.**

**Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework and having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.**

16. **Prior to the first occupation of any dwelling hereby permitted, a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets ) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.**

**Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.**

### **Compliance**

17. **The foul and surface water drainage arrangements shall be implemented in accordance with the following documents:**

- Amended Proposed Site Plan (Rev A); and
- Technical Note Mitigation Strategy Review;
- Drainage & External Works Layout (2/2) (Rev O);
- Section 38 Highways Drainage Plan (2/2) (Rev N);
- S104 Flow Control Chamber & Tank Details (Rev G).
- 881-042B Off Site Drainage Layout Rev B (Dated 30 Aug 2023).

The development shall be carried out and thereafter maintained in accordance with the approved details before the occupation of any of the dwellings hereby approved (unless a phasing plan is submitted to and approved in writing by the Local Planning Authority)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

18. 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; including rooflights, shall be constructed in any of the elevations of the bungalows shown on Plots 1 to 3 of the approved plan - Proposed Site Plan (Drawing Ref: 5776/25/P/10).

Reason: In order to protect the residential amenity of adjacent properties, to ensure that an appropriate mix of housing is maintained across the site, and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19. No retained tree or hedgerow shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 10 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.

Reason: To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

20. No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

**Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency**

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. This full planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement dated (date to be added in upon completion of S106 Agreement).**
- 3. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**
- 4. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel. 01432 845900.**
- 5. It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**
- 6. No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the**

Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.

7. The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
8. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
9. Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),
10. The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'

**36. 231864 - LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7LW**

The Planning Officer gave a presentation on the application and the updates/representations received following the publication of the agenda, as provided in the update sheet and appended to these minutes.

In accordance with the criteria for public speaking, Dr Bradney, spoke in objection to the application, and Ms Broadstock, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local award member spoke on the application, he explained that the application has led to a lot of residents putting in objections to Herefordshire Council and many of the residents have also contacted the

local ward member himself. Warren Lane is a very narrow lane, and it is not wide enough for it to be possible for an entrance turn for tractors. The parish council have strongly opposed the application, which follows on from the retrospective planning application P221376F for the new barn itself. The gradient of the lane is also very steep. Flooding will be exacerbated with run-off in this narrow lane which at the foot of the lane is the Rudhall Brook which often floods. It was noted that the application was in conflict with policies AST12 and AST13 of the Aston Ingham NDP.

The committee debated the application. During consideration of the application the committee raised the following principal points:

- The existence of an ancient hedgerow should only be removed if deemed absolutely necessary.
- The existing topography of the sunken lane which would be exacerbated by the creation of this access.
- Warren Lane is very narrow, and hedges are very high. Driving down this lane was very difficult, and it would be difficult to imagine tractors turning into that lane without causing damage to the hedgerows.
- Concern with an increase to surface water run-off on the lane.
- The potential damage to existing wildlife and biodiversity in the area.

The local ward member was given the opportunity to close the debate. He thanked the committee for the debate and asked that members refuse the application.

A motion that the application be refused due to concerns relating to core strategy policies LD1 in terms of character. LD3 in terms of connectivity and biodiversity impact. MT1 in terms of highway safety. Aston Ingham NDP policies AST12 in respect of traffic generation and AST13 with relation to water drainage. This was proposed by Councillor Dave Davies and seconded by Councillor Stef Simmons. The motion was put to the vote and carried unanimously

**Resolved – that:**

**The application be refused due to concerns relating to core strategy policies LD1, LD3, and MT1; and Aston Ingham NDP policies AST12 and AST13.**

**37. 232181 - ASHWOOD HOUSE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LG (Pages 21 - 22)**

The Planning Officer gave a presentation on the application.

In accordance with the council's constitution, the local award member spoke on the application. He expressed no objections to the application and recommended members vote in favour.

The local ward member was given the opportunity to close the debate.

A motion that the application be approved in accordance with the case officer's recommendation was proposed by Councillor Stef Simmons and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and carried unanimously.

**Resolved:**

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

1. C01 – Time limit for commencement (full permission)
2. C06 – Development in accordance with the approved plans
3. CBO – Scheme of surface water drainage
4. C59 – No Conversion of ancillary building to habitable accommodation
5. C64 – Restriction on separate sale

**INFORMATIVES:**

1. IP1 – Application approved without amendment

**38. DATE OF NEXT MEETING**

Date of next meeting – 25 October 2023

The meeting ended at 12.16 pm

**Chairperson**





**231864- PROPOSED CREATION OF A NEW PERMANENT ACCESS FOR AGRICULTURAL VEHICLES FROM WARREN LANE.**

**LAND ADJACENT TO WARREN LANE, ASTON CREWS, ROSS-ON-WYE, HR9 7LW**

**For: Ms Towler per Ms Hannah Towler, 25 Vyner Street, Cambridge Heath, London, E29DG**

**OFFICER COMMENTS**

1. Please note that owing to formatting issues, the map shown (Figure 3) at 6.10 has an inaccurate red star. The amended map is shown below

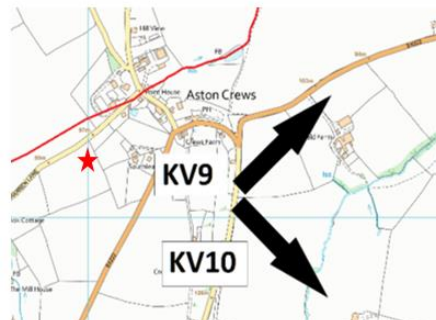


Figure 3: Extract from Aston Ingham NDP

2. A concern was raised regarding *Key View 7 KV7: Lea Line to Linton ridge (View of include the B4222 into Aston Crews South West)* which faces towards the site. This view is identified within the Aston Ingham Neighbourhood Development Plan. The topography of the area means that the access would site below the field to the rear and would not be visible from this vantage point, as such there is no material changes to the assessment.
3. Condition 2 should read:

“The development hereby approved shall be carried out strictly in accordance with the approved plans [G111\_1105 A; G111\_1104 B; G111\_1103 B; G111\_1102 B; G111\_1101 B; G111\_0100 B] and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies AST1, AST3, and AST13 of the Aston Ingham Neighbourhood Development Plan and the National Planning Policy Framework.

**RECOMMENDATION: No change to recommendation**



<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 OCTOBER 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>190111 - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 120 DWELLINGS WITH PUBLIC OPEN SPACE, LANDSCAPING AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM THE A44. ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS AT LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE,</b></p> <p><b>For: Gladman Developments Ltd per Gladman Developments Ltd, Gladman House, Alexandria Way, Congleton Business Park, Congleton, Cheshire CW12 1LB</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111</a>
<b>Reason Application submitted to Committee – Re-direction</b>	

Date Received: 11 January 2019

Ward: Bromyard West, Bishop's  
Frome & CradleyGrid Ref:  
364400,254271Expiry Date: 24<sup>th</sup> November 2023

Local Member(s): Cllr Ellie Chowns (Bishop's Frome &amp; Cradley) and Cllr Clare Davies (Bromyard West)

## 1. Site Description

- 1.1 The application site relates to approximately 4.7 hectares of agricultural grassland which comprise two field parcels separated by a hedgerow boundary, situated on the western edge of Bromyard. The site is undulating but overall levels fall gently from east to west. The site is bound to the north by a hedgerow boundary delineating it from the A44, a key road linking Worcester with Bromyard and Leominster and Mid Wales to the west. To the west the site is bound by a mature hedgerow boundary with open countryside beyond, although the residential property 'Chanctonbury' forms the southernmost part of the boundary, with access taken to this two-storey detached dwelling off Pencombe Lane. The eastern boundary is delineated by the rear of residential properties which flank the western side of Panniers Lane. The southern boundary is flanked again principally by hedgerow boundaries along Pencombe Lane, a minor road linking Bromyard with Pencombe. The site is not subject to any national landscape designations, nor is it located within a conservation area or within the setting of any other designated heritage assets. The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC).

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

## **2. Proposal**

- 2.1 This application is made in outline, with all matters reserved for future consideration apart from access, and seeks planning permission for up to 120 dwellings with public open space, landscaping and sustainable drainage system (SuDS). The submission indicated changes to highway including the A44 from which vehicular access to the site would be taken and installed a new footway, as well as along Panniers Lane – providing a connection for pedestrians to the Queen Elizabeth Secondary School and other services and facilities afforded within the west of Bromyard and the town centre. The submission sets out that a range of densities and house types would be provided, along with a 40% rate of affordable housing. The application has been supported by an illustrative framework plan which sets out indicatively how the site could accommodate the quantum of residential development, together with public open space (including children’s play), green infrastructure and SuDS.

## **3. Policies**

### **3.1 Herefordshire Local Plan – Core Strategy**

<b>SS1</b>	Presumption in favour of sustainable development
<b>SS2</b>	Delivering new homes
<b>SS3</b>	Releasing land for residential development
<b>SS4</b>	Movement and transportation
<b>SS6</b>	Environmental quality and local distinctiveness
<b>BY1</b>	Development in Bromyard
<b>RA1</b>	Rural housing distribution
<b>RA2</b>	Housing in settlements outside Hereford and the market towns
<b>H1</b>	Affordable housing – thresholds and targets
<b>H3</b>	Ensuring an appropriate range and mix of housing
<b>OS1</b>	Requirement for open space, sports and recreation facilities
<b>OS2</b>	Meeting open space, sports and recreation needs
<b>MT1</b>	Traffic management, highway safety and promoting active travel
<b>LD1</b>	Landscape and townscape
<b>LD2</b>	Biodiversity and Geodiversity
<b>LD3</b>	Green infrastructure
<b>SD1</b>	Sustainable design and energy efficiency
<b>SD3</b>	Sustainable water management and water resources
<b>SD4</b>	Water treatment and river water quality
<b>ID1</b>	Infrastructure delivery

### **3.2 National Planning Policy Framework (2023)**

<b>Chapter 2</b>	Achieving sustainable development
<b>Chapter 4</b>	Decision-making
<b>Chapter 5</b>	Delivering a sufficient supply of homes
<b>Chapter 6</b>	Building a strong, competitive economy
<b>Chapter 8</b>	Promoting healthy and safe communities
<b>Chapter 9</b>	Promoting sustainable transport
<b>Chapter 11</b>	Making effective use of land
<b>Chapter 12</b>	Achieving well-designed places
<b>Chapter 14</b>	Meeting the challenge of climate change, flooding and coastal change
<b>Chapter 15</b>	Conserving and enhancing the natural environment
<b>Chapter 16</b>	Conserving and enhancing the historic environment

## 4. Planning History

- 4.1 163001/O - Outline planning application for the construction of up to 120 residential dwellings (including up to 40% affordable housing), the introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from the A44 Worcester Road and associated works. All matters to be reserved, save for access. Refused 28 March 2018.

Reasons;

1. *The applicant has failed to demonstrate that safe and convenient means of pedestrian access can be provided for the site, or that the improvements shown on their Proposed Access Strategy (Drawing No. 1470/20 Rev B) can be constructed either within the extent of the public highway or on land which they control. The proposal is therefore contrary to Policies SS4 and MT1 of the Herefordshire Local Plan – Core Strategy and paragraphs 32 and 35 of the National Planning Policy Framework that seek to provide safe access to new schemes.*

*Furthermore, in the absence of a reasonable prospect of their delivery, the imposition of a planning condition to require their delivery would not meet the test of reasonableness or enforceability prescribed by Paragraph 206 of the National Planning Policy Framework and Planning Practice Guidance*

2. *The applicant has proposed a phased approach towards the delivery of vehicular access to the site from the A44 whereby a priority T junction would be constructed in the first instance followed by a four armed roundabout to serve this site and the allocated strategic housing site at Hardwick Bank. However, no mechanism has been proposed to ensure the delivery of the roundabout. The Council considers that an acceptance of the phased approach suggested by the applicant would potentially compromise the delivery of the Council's strategic housing site at Hardwick Bank contrary to Policy BY2 of the Herefordshire Local Plan - Core Strategy.*
3. *The proposal fails to meet the three dimensions of sustainable development as described by paragraph 7 of the National Planning Policy Framework. The negative impacts of the development in terms of its inability to deliver safe and convenient pedestrian access to the site are not outweighed by the economic and social benefits that might be derived by permitting the scheme. The proposal therefore represents an unsustainable form of development, contrary to Policy SS1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*
4. *The application is not accompanied by a completed Section 106 Agreement which is considered necessary to make the development acceptable. It is therefore contrary to Policy ID1 of the Herefordshire Local Plan – Core Strategy and the Council's Supplementary Planning Document on Planning Obligations.*

- 4.2 150727/O - Outline application for up to 120 dwellings with associated open space and landscaping with all other matters reserved, except access. Refused 16 June 2015.

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

Reasons;

- 1. The site occupies a prominent position in an open countryside location on the western edge of Bromyard. It represents an important visual approach to the town and is visually prominent from a number of public vantage points, particularly further to the west from the A44 and from Panniers Lane and Pencombe Lane and is considered to be important to the towns landscape setting. The proposal would result in the introduction of a large suburban development on the edge of the town that lacks any visual link to it and would be of a scale, character and appearance that would have a significant and demonstrable adverse effect upon the landscape setting of Bromyard. The topography of the site is such that this cannot be readily mitigated through the implementation of a landscaping scheme to filter views of the development and it is therefore considered that the proposal is contrary to Policies LA2, LA3 and LA5 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.*
- 2. By virtue of its unacceptable landscape impacts the proposal fails to meet the environmental dimension towards sustainable development as described by paragraph 7 of the National Planning Policy Framework. The impacts of the development are not outweighed by the economic and social benefits that might be derived by permitting the scheme. The proposal therefore represents an unsustainable form of development, contrary to the National Planning Policy Framework and Policy SI of the Herefordshire Unitary Development Plan.*
- 3. The development of the site would be premature and prejudicial to the delivery of the strategic housing land allocation at Hardwick Bank as defined by Policy BY2 of the emerging Herefordshire Local Plan - Core Strategy 2011 - 2031. It would undermine the plan-making process by predetermining decisions about the scale and phasing of new development on the strategic site and it would serve to pre-determine the provision of vehicular access via the A44. The emerging plan is considered to be at an advanced stage, having been subject to an Examination in Public in February 2015, and therefore the tests to justify grounds of prematurity as outlined by Paragraph: 014 Reference ID: 21b-014- 20140306 of the National Planning Practice Guidance are met*

4.3 142175/O - Site for up to 120 dwellings with associated open space and landscaping. Refused 4 March 2015.

Reasons;

- 1. The site occupies a prominent position in an open countryside location on the western edge of Bromyard. It represents an important visual approach to the town and is visually prominent from a number of public vantage points, particularly further to the west from the A44 and from Panniers Lane and Pencombe Lane and is considered to be important to the towns landscape setting. The proposal would result in the introduction of a large suburban development on the edge of the town that lacks any visual link to it and would be of a scale, character and appearance that would have a significant and demonstrable adverse effect upon the landscape setting of Bromyard. The topography of the site is such that this cannot be readily mitigated through the implementation of a landscaping scheme to filter views of the development and it is therefore considered that the proposal is contrary to Policies LA2, LA3 and LA5 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.*
- 2. By virtue of its unacceptable landscape impacts the proposal fails to meet the environmental dimension towards sustainable development as described by*

*paragraph 7 of the National Planning Policy Framework. The impacts of the development are not outweighed by the economic and social benefits that might be derived by permitting the scheme. The proposal therefore represents an unsustainable form of development, contrary to the National Planning Policy Framework and Policy S1 of the Herefordshire Unitary Development Plan.*

3. *The development of the site would be premature and prejudicial to the delivery of the strategic housing land allocation at Hardwick Bank as defined by Policy BY2 of the emerging Herefordshire Local Plan - Core Strategy 2011 - 2031. It would undermine the plan-making process by predetermining decisions about the scale and phasing of new development on the strategic site and it would serve to pre-determine the provision of vehicular access via the A44. The emerging plan is considered to be at an advanced stage, having been subject to an Examination in Public in February 2015, and therefore the tests to justify grounds of prematurity as outlined by Paragraph: 014 Reference ID: 21b-014- 20140306 of the National Planning Practice Guidance are met.*
4. *The application is not accompanied by a completed Section 106 Agreement which is considered necessary to make the development acceptable. It is therefore contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's Supplementary Planning Document on Planning Obligations.*

The Local Planning Authority's decision to refuse planning permission was subject to an appeal which was dismissed on 19 May 2016.

Appeal Decision:

<https://myaccount.herefordshire.gov.uk/documents?id=d2e47bf0-1e55-11e6-96d8-0050569f00ad>

## **5. Consultations**

5.1 HC Built and Natural Environment Team (Archaeology) – no objection;

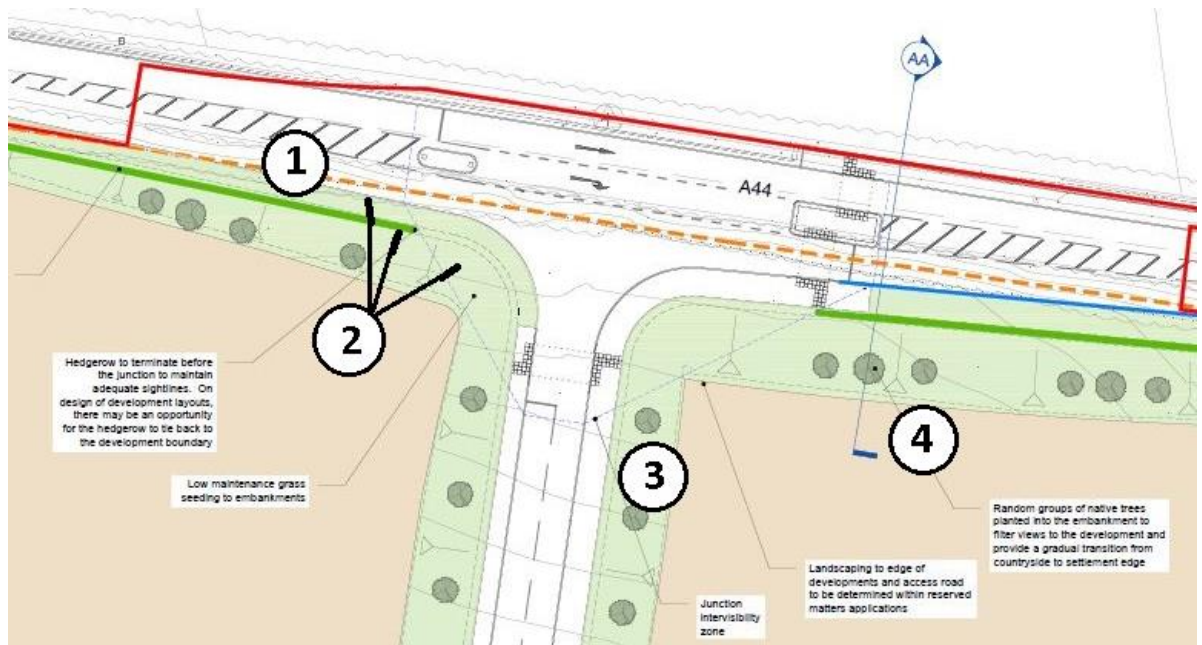
5.1.1 5/2/19 – no objection.

5.2 HC Built and Natural Environment Team (Landscape) – comment;

5.2.1 16/1/20 - The landscape scheme now establishes a core structure (slope information, planting on slope details and indicative planting strategy).

There is, however, further detailed information required at the Reserved Matters stage to ensure a comprehensive scheme that enhances green infrastructure, environmental and landscape quality, in line with planning policies.

Please refer to the below suggestions, as a minimum requirement to demonstrate a well considered landscape led development.



1. Hedgerow specification

In reference to drawing (Highway Entrance – Landscape Proposals, D7050.008, 9/12/2019), the applicant specifies a double staggered row 5/ linear metres. This specification is acceptable if the hedgerows are fully protected, guarded and fenced, but can be a bit thin if any failures or nibbling occur. Therefore it is typically recommended to specify between 5-7 woody plants.

If the applicant maintains 5 plants, they need to be woody species (not Dog Rose, *Rosa canina* as the drawing suggest) to ensure the appropriate density to achieve a traditional hedge (to lay after 7-10 years).

2. Hedgerow and verge ground flora

Hedgerow and margins are dynamic habitats and should aim to be more than just 5 plants and low maintenance grass. It is recommended to provide a richer diversity of species, such as wildflowers to increase the biodiversity capacity of the development. For example specify Pro flora mix 7 hedgerows (or equivalent).

3. Avenue trees and understorey

This is a critical landscape for the approach into the development. It is well regarded, that great residential streets are lined with structural and impressive trees (such as London Plane, Lime, Oak or Cherry) and in this instance, how it relates to the surrounding landscape and woodlands to create a unique character.

Consider carefully the avenue species, procurement regime, spacing, soil, ground conditions and understorey preparation to ensure its success.

For the understorey consider a meadow and grassland mix. For example, Emorsgate Seed, Meadow grassland mix (or equivalent).

4. Tree character

The specification of ‘Random Groups’ of trees would more evidence to demonstrate that it provides an appropriate transition between countryside and settlement edge (as stated in the application), and thought on they type of character or habitat that drives the scheme. This would also need to be supported with detailed layouts and written specification (species, heights, quantities and planting regime).



Consider including hedgerow trees in addition to the groups. Hedgerow trees are integral to the local landscape character (Refer to figure 2).



Figure 2: Image of Hedgerow trees taken along Worcester Road, west of the site (image: google maps, street view).

- 5.2.2 3/10/19 - A convincing and well-designed landscape to enhance the arrival experience into Bromyard is paramount for this development. The way the earthworks and site levels are resolved, and how it integrates with the access and verge landscape treatment (pedestrian paths, hedgerows, hedgerow ground flora and trees) is a critical factor in creating a place.

#### Benefit of signalised intersection

The revised scheme, a departure from a roundabout to a signalised intersection is an improvement to the landscape, both visually and physically. The signalised junction maintains the alignment of the road into Bromyard and therefore maintains the line of hedgerows, an important landscape feature of the local landscape character. The signalised intersection avoids extensive earthworks and damage to the landscape that would have been inflicted by the roundabout.

#### Maintaining a landscape approach into Bromyard

The proposed development will draw a new settlement edge, approximately 220m outwards along the A44 road. This change significantly influences the landscape arrival experience into Bromyard. The access and visibility splays results in the removal of a section (approximately 145m) of established hedgerow, a valued and local distinctive landscape. The transition between what is existing established hedgerow and proposed new hedgerow would be noticeable and would influence the visual coherence of the landscape. The hedgerow is cut off abruptly (Refer figure 2), an inevitable result of the access, however could this be drawn into the development or other landscape measures such as trees be used to give the entrance a landscape setting.

The access is designed as a rigid civil and transport engineering approach, but could equally be approached as a 'soft engineering' or 'landscape led' approach, that works with the levels and

contours to merge naturally into the land, and provide a wider landscape opportunity that enhances the development.

#### Recommendation

- Provide detailed sections at scale of 1:10/1:20 (Refer figure 1 for indicative locations), along the access and visibility splay to include road kerbs, footpaths, hedgerows, trees and planting to validate that the scheme has been designed with all interfaces in mind. For example, does the width of the hedge influence the transition between the road verge and where the slope batters? Can trees be planted successfully on a 1:2.5 slope to create an effective access drive and treed avenue?
- What is the landscape vision and intent for the access into the development? (What gives this development its appeal on arrival and place making? Are there particular landscape characteristics, other than the hedgerow that could make this access unique?
- Look closely at the proposed hedgerow layout (Refer figure 2). It stops abruptly at the access. How does this respond to the surrounding landscape and what is its relationship with the overall landscape aesthetic as residents and visitors arrive into the development and approach Bromyard.

#### 5.2.3 22/2/19 - Further detailed information is required to gain support for this application.

##### Setting:

- Open agricultural land, with established hedgerows (with hedgerow trees) with a Timbered Plateau Farmlands landscape character.
- The topography slopes and ascends upwards towards the A44. The location of the access has an approximate gradient of 1:10-1:15.

##### Historic References:

- Observing historic map data, circa 1843-1893 (Figure 2), with an aerial photograph, shows:
- Urban development has significantly altered the landscape character.
- Field structure is relatively intact.
- Extent of orchards reduced overtime, however a remnant traditional orchards remains in close proximity to the proposed access location.

##### Impacts:

- Significant change to open agricultural and natural landscape character.
- Removal of long stretch of hedgerow and hedgerow trees for access.
- Arrival experience into Bromyard significantly changed, particularly with the addition of a roundabout.
- Increased pedestrian and cyclist safety risk along A44
- Destruction of prime agricultural soil, biodiversity and habitats.
- Increased surface water to manage.
- Earthworks to accommodate access road on sloping site
- Light pollution.

##### Visual Amenity:

The overall development will be visible from people travelling along the A44; from higher elevations from the north; looking up to the site from the south and viewed from the west and east.

Recommendations:

#### Footpaths and vegetation

The provisions of pathways are indicated, however further information is required to understand potential impact on trees, hedgerows and vegetation. Detailed levels of existing and proposed with sections are required (Refer to BS5827:12 for trees and hedgerow survey requirements). This includes both the A44 and Panniers Lane.

Given the width of highway constraints and consideration of providing safe and complaint footpaths along the roads, are there other footpath routes or strategies that could be considered?

#### Earthworks and context

There will be substantial earthworks (due to the natural gradient of the ground) to accommodate the roundabout. The scheme does not appear to provide proposed levels and how this relates to existing levels. Levels information will demonstrate how the scheme is proposed to be landscaped. Provide the following:

#### Hard landscape and Levels

- Hard landscape (incl. lighting) and levels plan (scale 1:200 or equivalent scale to communicate the information clearly), with existing and proposed levels and proposed hard elements
- Written specification of materials (type, sizes and colours).

#### Loss of hedgerow and hedgerow trees

There is substantial loss of hedgerow and hedgerow trees along the section of the new proposed access. The substantiated mitigation of landscape is not provided to any level of detail, particularly as it is located on the main arrival into Bromyard. There does not seem to be any level of intent to enhance the approach into the village. The roundabout is a significant change to the existing arrival experience. Provide the following:

- A detailed landscape design
- Soft landscape plan (scale 1:200 or equivalent scale to communicate the information clearly), with trees and planting areas (including aquatic species for ponds).
- Written specification setting out species, size, quantity, density and cultivation details.

Supported with an arboricultural method statement and tree protection plan if necessitated. Refer to BS5837:2012 – Trees in Relation to Design, Demolition and Construction - Recommendations for guidance.

#### Lighting

Lighting detail in relation to the access is not provided to any level of detail. Provide specification of lighting products and locations, as part of the hard landscape plans to understand interface and relationships with landscape elements (footpaths, trees and earthworks).

11/11/19 – I have read the response by Gladman Developments, dated 31 October 2019, in response to the landscape comments, dated 3 October 2019.

The letter outlines that the development of the landscape will take place at a future reserved matter and detailed design stage.

Regarding growing trees (standards, semi-mature, not whips) on slopes, it is recommended to consult with a qualified arboriculturist and horticulturalist as slopes (of the degree proposed as part of the outline application) would need the appropriate species selection, soil specification, construction details and management regime. In practice, it can be a challenge in terms of soil stabilisation, root ball placement/ establishment, anchoring and effective watering.

5.3 HC Built and Natural Environment Team (Ecology)

5.3.1 6/4/23 – HRA completed and submitted to Natural England. Accessible at Herefordshire Council website via the following link; - [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190111](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111)

5.3.2 2/3/23 - These comments only apply to wider ecology of the proposed development and not any HRA process.

The updated Bat survey report and preliminary ecological appraisal (FPCR dated February 2022) are noted and refer and are considered with respect to the significant previous ecological survey work at the site over the past 10 years.

The reports have not identified any significant constraints in respect of direct effects on protected species although any additional lighting will require careful design and control to ensure any potential effects on nocturnal protected species known in the locality and local intrinsically dark landscape are minimised and mitigated. An external lighting scheme, including street lighting is requested as part of the Reserved Matters plans submitted for approval.

All street lighting should be designed with ecology in mind and to ensure minimal additional night time illumination of the local landscape and skies. The use directional down-lighting luminaires with 'warm' (under 3000 Kelvin) LEDs and utilising the council's adopted system of staged dimming across the period of darkness are strongly encouraged as providing required safety illumination but minimising effects on nocturnal wildlife and local darker skies.

A condition to limit and control lighting associated with the new dwellings is also suggested to ensure any effects on local wildlife and darker skies is kept to a minimum.

**New Dwellings: Protected Species and Dark Skies (external illumination)**

No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

To ensure all effects of the construction process on the wider environment as well as local wildlife are fully considered and appropriate working methods and mitigation implemented a detailed Construction Environmental Management Plan for each phase of development is requested as a pre-commencement condition. (A CEMP will also be relevant to the HRA process for a large development such as this one).

**Ecological Protection and Construction Environmental Management Plan**

For each agreed phase of development, prior to any works or site preparation commencing on a detailed Construction Environmental Management Plan – including ecological working method statement based on the assessment and details of the person responsible for the implementation of the CEMP, shall be supplied to the LPA for written approval. The approved CEMP shall be

implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Supporting information: The CEMP should include consideration for all potential environmental effects and a helpful guide to all relevant considerations for a CEMP can be found at [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan)

A detailed Landscape Environmental Management Plan should be developed and submitted for approval at RM stage to provide details and specifications for all soft landscaping and planting proposed. Species chosen should be locally characteristic and clearly demonstrate a scheme that is climate changes and pest-pathogen resilient. No thorny or spikey species should be planted adjacent to any highway/footway or public right of way or public accessible play or informal recreation areas. Final conditions can be suggested by Landscape/Green Space comments.

In addition to the soft landscaping/planting a range of 'hard' habitat features (Biodiversity Net Gain) such as bird nesting boxes and bat boxes (or similar features) built into or attached to the proposed dwellings; insect/invertebrate homes; general amphibian-reptile refugia; and hedgehog homes and 'highways' through all impermeable boundary features should be included and clearly detailed and specified in plans supplied at RM Stage.

#### Nature Conservation – Biodiversity and Habitat Enhancement

Prior to construction work commencing on each agreed phase of development a specification and annotated location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of 'fixed' habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), Hedgehog homes and hedgehog highways through all impermeable boundary features and consideration for pollinating insects and invertebrates, must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency.

- 5.3.3 12/7/22 - It is noted that this is an outline planning application and that the actual development is likely to be built-out in phases.

Unless there is any significant change in management of the area under consideration the supplied updated report would provide sufficient evidence to allow an outline permission to be granted up to April 2023. As development is likely to be phased, if this phased approach is proposed then a relevant condition will be requested to ensure a relevant ecological assessment of all completed development and the proposed area for the next phase of development is completed and an updated ecological master plan, including linking all habitats and biodiversity net gain enhancements will be requested so as to ensure the transitory and opportunistic nature of wildlife and hopefully beneficial effects of previous phases of Biodiversity Net Gain can be recognised and complemented. Each phase is likely to require a specific optimal period survey, CEMP, LEMP, Lighting Plan and a detailed Biodiversity-Habitat Net Gain scheme.



Final comments and detailed conditions can only be made when a final determination is imminent and the relevant HRA appropriate assessment has been completed so as to ensure the required latest information is utilised.

5.3.4 **Previous comments from the Built and Natural Environment Team (Ecology) relating to this application accessible on the Herefordshire Council website via the following link;** [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190111](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111)

5.4 Local Highway Authority (Area Engineer) – no objection;

5.4.1 29/9/23 - Could the following be conditioned please:

CAE – Vehicular Access Construction

CAP – Highway Improvements – Could the following plans be conditioned:

- Panniers Lane Footway Scheme – Ashley Helme dwg 1470/41 Rev A and if in the unlikely case this isn't achievable 1470/42 Rev A.
- A44 Pedestrian Improvements/Footways – Ashley Helme dwg 1470/36 Rev E/F depending on whether the Hardwick Bank site has come forward.
- A44 Signalised Access Junction – Ashley Helme dwg 1470/32 Rev I/K depending on whether the Hardwick Bank site has come forward.

CAT – Construction Management Plan

CB3 – Travel Plan

Informatives – I11, I09, I45, I08, I07, I05, I43, I16, I49, I52, I51, I41, I36, I35

5.4.2 19/1/21 - Having reviewed the most recent submission of drawings the local highway authority (LHA) can confirm that they are acceptable. The plans demonstrate that both a three arm and a four arm signalised junction can be accommodated to serve as access points off the A44 into the proposed site as well as the Hardwick Bank site. Pedestrian facilities out of the site are provided either via the A44 or Panniers Lane. Pedestrian facilities via the A44 comprise a Toucan crossing from the site over to the northern side of the A44. A pedestrian phase of the signals allows for a single crossing of the A44 which is deemed to be acceptable by the LHA and negates the need for a staggered crossing. A 2m footway is then provided along the northern side of the A44 between the proposed junction and Winslow Road. The A44 carriageway has been widened until midway between Upper Hardwick Lane and Winslow Road as part of the scheme proposals. The footway between Upper Hardwick Lane and Winslow Road has been widened and repositioned to the back of the highway verge to allow for a verge between the footway and the carriageway which improves the situation in regard to carriageway narrowing. This work will be undertaken via a S278 Agreement not S106.

In terms of compatibility with the proposals put forward by the Hardwick Bank application the design allows for the addition of a fourth arm to the signalised junction and movement of the fourth arm a couple of metres east or west can still be accommodated if deemed necessary during the detailed design stage. With regards to how the junction and other S278 works would be constructed would depend entirely on which scheme came forward first (assuming both schemes obtain planning consent). For example, if this scheme were to start first then the scheme would be constructed in its entirety as proposed in this application then the Hardwick Bank site would just have to add a fourth arm to the junction. Alternatively, if the Hardwick Bank site started first then they would construct the junction as proposed in their application along with the footway on the northern side of the A44 between Upper Hardwick Lane and Winslow Road. When this site then came online the junction would have to be altered to accommodate the junction design proposed in this application as well as the other S278 work, including the footway along the northern side of the A44 between the proposed access and Upper Hardwick Lane and alterations to the kerb line on the northern side of the A44 between Upper Hardwick Lane and Winslow Road and widening of the A44 carriageway.

A second pedestrian access is proposed off Panniers Lane which would provide residents with access to the school and another route towards the town centre. Two options have been proposed, both of which are considered to be acceptable, however, the first scheme is the preferred scheme and unless technical issues preclude this scheme from being provided, whereby the alternative scheme would need to be provided, it is this scheme that should be provided. This should form a condition of planning consent should it be granted.

To conclude, the LHA find the proposals acceptable in highway terms and have no objections to the application.

5.4.3 26/9/19 - Further to the receipt of an updated Transport Assessment including revised plans which have been informed through discussions between the local highway authority (LHA) and Gladman Developments Ltd/Ashley Helme Associates, the LHA has the following comments:

#### Access Junction

It has always been maintained that the LHA would prefer a roundabout junction at this location, as this would provide a suitable gateway feature for the entry into the Town and would be a natural speed reducing feature. However, it is recognised that neither the developers for this site nor the developers for the Hardwick Bank site can provide a safe and achievable roundabout that meets design guidance within their own land or land within control of the LHA. In order to achieve a suitable roundabout land-take from both sites would be required and this has not proved to be possible. It is therefore the opinion of the LHA that a signalised junction would be the next preferred alternative.

The signalised junction proposed for this scheme is considered appropriate in design terms and would not prejudice the Hardwick Bank site by providing for a fourth arm to be added when required. It should be noted that whilst the designs of the proposed signalised junction for both this site and the Hardwick Bank site are slightly different both are considered equally viable solutions and operate well within capacity, therefore no weight is given to either scheme.

Further comments on the junction proposals are detailed below:

- A TRO will be needed for moving the 30mph limit
- Gateway feature signs on the eastbound approach will need to be moved. This can be completed during the detailed design stage.
- The plans provided show a 1:15 gradient into the site from the A44 which is acceptable for vehicles but pedestrians require a 1:20 gradient. Further exploration as to whether this could be achieved should be undertaken.
- Hatching should be shown at the front of the right turning lane into the site access to ensure vehicles do not over-shoot the access arm.
- A 1:40 gradient is shown at the dwell area on approach to the signals, however, the RSA Designer's Response states a 2% gradient will be provided. A 1:40 gradient is acceptable to the LHA.
- As the carriageway has been realigned in the vicinity of the junction it will be necessary to put a new central crown in place. This can be dealt with at detailed design.

#### A44 Pedestrian Facilities

It is considered by the LHA that the scheme now proposes suitable pedestrian links between the main site access on the A44 and the area to the north, including access to St Peters Primary School and the Town Centre. This was previously a concern of the Planning Inspector at the Appeal, however, 2m footways have now been provided between the proposed site access and Winslow Road through a mix of highway land and increased carriageway width. The revised scheme now provides a 2m kerbed footway between the site access and Upper Hardwick Lane which was also an area previously of concern to the Inspector. The increased carriageway and footway widths increase the distance between HGVs travelling along the A44 and pedestrians utilising the footways. A 2m footway will also allow pedestrians to walk away from the edge of

the footway and the increased carriageway width would position HGVs further away from the footway.

Further comments include:

- Tactile paving and dropped kerbs are required at the Winslow Road bellmouth. Some plans show this, others do not.
- As there will be a dedicated pedestrian phase at the proposed signalised junction it would be desirable to cross pedestrians straight across the A44 in one continuous crossing rather than the staggered crossing that is currently proposed. This should be investigated.

Panniers Lane Pedestrian Facilities

- In order to achieve the 2m footway adjacent to 'Valentina' it will be necessary to remove the fence to grade the verge. The fence can then be put back in the same position. It would be advantageous to undertake a Stopping Up Order for this section of land as part of the planning process. All land required for this section of footway is within control of the highway authority.
- The footway narrows to 1.2m to the north on the western side of Pannier's Lane. A 1:2.5 embankment is proposed, however, the LHA would find a 1:1 embankment acceptable if it means the footway could be widened. This should be investigated further. It should be noted that the highway authority control the land required for the footway.
- The plans do not mention the proposed bus stop. It is recognised that for both the proposed bus stop and the uncontrolled crossing the exact location of these features on Pannier's Lane will be determined at the detailed design stage.

S106 Contributions

The following schemes could be considered:

- Upgrade uncontrolled crossing on Pannier's Lane to a Toucan crossing if the Hardwick Bank site is built out as this would increase demand.
- Upgrade controlled pedestrian crossing at the proposed site access junction with the A44 to a Toucan crossing if the Hardwick Bank site is built out as cycle use at this crossing would increase.

5.4.4 5/3/19 - The local highway authority (LHA) has reviewed the information provided and has the following comments:

- The principle of a roundabout access is considered to be acceptable albeit the LHA has severe reservations about the deliverability of the roundabout as proposed given the requirement for land within the control of Bovis.
- The land issues hindering the provision of a 2m footway along Panniers Lane have now been resolved, therefore, subject to technical approval, delivery of the footway should be possible.
- The LHA requires a plan showing more detail of the proposed footways along the northern side of the A44. The plan should be at a larger scale than those plans already submitted to enable the LHA to accurately assess the deliverability of a 2m footway along the northern side of the A44. The plan should be based on a topographical survey.

The LHA is unable to comment fully until the plans demonstrating a 2m footway along the northern side of the A44 have been received.

5.5 HC Strategic Housing

5.5.1 12/2/19 - There is a requirement for the applicant to provide 40% affordable housing of which 60% would be for social rent and 40% for intermediate tenure.

I appreciate that this is an outline application with the mix to be agreed at reserved matters stage, however, Policy H3 ensures that there is an appropriate range and mix of housing that will



contribute to the creation of balanced and inclusive communities, by providing housing to meet the needs of all households including the elderly, young families and single people and by ensuring that housing is capable of being adapted for people in the community. This is a requirement for both the open market and affordable housing. The indicative plans show a large amount of four bed open market units when the greatest need is for three bed properties.

The Herefordshire Local Housing Market Assessment (LHMA) gives an indication of what unit sizes are required for both the open market and affordable housing and should be taken into account when planning a scheme. In addition to this the affordable housing need should not be confused with the open market need as they are separate. Therefore if an application proposes a number of 1, 2 and 3 beds for affordable it should not be assumed that this would meet the open market need.

To give an indication of mix, below is a breakdown of unit requirements for this site for 120 dwellings.

Open Market 72	Affordable Housing 48
4 x 1 beds bungalows	14 x 1 beds of which 4 are bungalows
16 x 2 beds to include 4 bungalows	18 x 2 beds of which 2 are bungalows
34 x 3 beds to include 3 bungalows	14 x 3 beds of which 1 is a bungalow
18 x 4+ beds	2 x 4 beds

In order for me to support this application and I would look for a planning condition which would ensure that the exact tenure and mix is to be agreed prior to the submission of any reserved matters application. In addition to this would expect the draft heads of terms to reflect this and to allow for the inclusion of accessible dwellings and local connection to Bromyard for the affordable housing.

## 5.6 HC Environmental Health (Noise and Nuisance)

5.6.1 4/7/19 - Road traffic noise, especially from the A44 have been raised as a constraint in previous applications on this site. With this outline application for access only a noise assessment dated October 2018 has been supplied which relies on noise monitoring undertaken in 2014.

Average noise levels during the day and night time are elevated at the noise monitoring point closest to the A44 64dB day and 61dB night time. This places the northern boundary of the site at a medium to high risk of noise.

I consider the noise assessment report dated 2014 to constitute an initial noise risk assessment of the site in accordance with Stage 1 of the ProPG guidance. Should it be minded to grant outline planning permission, the applicant will be requested to supply an Acoustic Design Statement with any application for Reserved Matters which sets out in full how the acoustic environment has been taken into account in the design and layout of the site in accordance with Stage 2 of the ProPG guidance. Noise mitigation will be required along the northern part of the site due to external noise levels being in excess of the BS8233 desirable standard for external amenity noise of 50dB (not 55dB as suggested in the applicant's noise report).

Road facing facades of the proposed dwellings closest to the A44 cannot be achieved in noise sensitive rooms with the windows partially open during the day nor at night. Consideration must be given as to the how this will be mitigated in the overall layout of the site and design of the houses so as to ensure that the maximum number of proposed dwellings can achieve desirable noise levels in noise sensitive rooms with a partially open window.

The noise assessment makes some suggestions for mitigation but crucially at the moment cannot yet discuss how the layout and design has been taken into account at the outline application stage. Whilst we do not object to the overall outline proposal on noise grounds, any dwellings

close to the A44 will be adversely impacted by road traffic noise and the number of proposed dwellings that have to rely on their bedroom and living room windows being kept closed to block out road traffic noise is to be kept to a minimum.

ProPG: Planning and Noise\* Professional Practice Guidance on Planning & Noise New Residential Development Published by the Association of Noise Consultants, the Institute of Acoustics and the Chartered Institute of Environmental Health

5.7 HC Environmental Health (Air Quality) – comment;

5.7.1 23/7/19 - I refer to the above application and I would make the following comments in relation to air quality and human health.

I can confirm that the development is not located in or near an Air Quality Management Area.

The Warden Armstrong Air Quality Screening Assessment dated the 8 November 2018 did not indicate the need for an Air Quality Assessment.

However, to assist in mitigating emissions from increased vehicle movements as a result of the development, I would recommend that should planning permission be granted a condition is applied to the planning permission to ensure every residential building with an associated car parking space shall have a charge point for electric vehicles

5.8 HC Education – comment

5.8.1 10/10/23 - The following assessment provides an update on the response provided on 16 January 2019 taking account of the latest available school census data and the updated developer contribution costs published in 2022.

The educational facilities provided for this development site are Bromyard Early Years, St Peter's Primary School, Queen Elizabeth High School and Bromyard Youth.

St Peter's Primary School has a planned admission number of 30. As at the schools summer census 2023, 5 year groups had fewer than 3 spaces:  
Y2=30, Y3=28, Y4=31, Y5=28, Y6=29

Queen Elizabeth High School has a planned admission number of 80. As at the schools summer census 2023, 2 year groups had fewer than 3 spaces:  
Y7=93, Y8=90

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will also seek a contribution for special educational needs in the Bromyard area.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

<b>Contribution by size and type of dwelling</b>	<b>Pre-School</b>	<b>Primary</b>	<b>Secondary</b>	<b>Post 16</b>	<b>Youth</b>	<b>SEN</b>	<b>Total</b>
2+ bedroom apartments	£207	£1,748	£1,432	£121	£631	£261	<b>£4,400</b>
2/3 bed house or bungalow	£432	£3,063	£2,695	£121	£850	£468	<b>£7,629</b>
4+ bed house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	<b>£13,816</b>

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

5.8.2 16/1/19 - The educational facilities provided for this development site are Bromyard Early Years, St Peters Primary School and Queen Elizabeth Humanities College.

St Peters Primary School has a planned admission number of 30. As at the schools Autumn census 2018:-

- 3 year groups are at or over capacity-YR=32, Y1=30, Y3=31

Queen Elizabeth Secondary School has a planned admission number of 80. As at the schools Autumn census 2018:-

- 1 year group is at or over capacity-Y8=80

Approximately 1% of the population are affected by special educational needs and as such the Children’s Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

In accordance with the SPD the Children’s Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children’s Wellbeing contribution for this development would be as follows:

<b>Contribution by No of Bedrooms</b>	<b>Pre-School</b>	<b>Primary</b>	<b>Secondary</b>	<b>Post 16</b>	<b>SEN</b>	<b>Total</b>
<b>2+bedroom apartment</b>	£117	£1,084	£1,036	£87	£89	£2,413
<b>2/3 bedroom house or bungalow</b>	£244	£1,899	£1,949	£87	£138	£4,317
<b>4+ bedroom house or bungalow</b>	£360	£3,111	£4,002	£87	£247	£7,807

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

5.9 HC Open Space Planning Officer – comment;

5.9.1 10/7/23 – As part of the Core Strategy Review, the evidence base for Playing Pitches has been updated and a new evidence base for Indoor Sports produced.

The Herefordshire Playing Pitch and Outdoor Sports (PPOS) Strategy and Action Plan Feb 2023 and the Indoor and Built Sports Facilities Strategy and Action Plan 2023 (which can be found on the council’s planning website under evidence bases), recommends the following actions for Bromyard which are relevant to this application and for the protection, provision and enhancement of facilities to meet both the current and future needs of the local population.

A current tariff of £1,398 per market house is asked for from development in Bromyard. This tariff has not been updated since 2018 and does not reflect the latest evidence bases and recommendations set out below. It is also based on 500 new houses (Core Strategy Bromyard housing requirements), Sport England’s Facility Costs Kitbag as of 2017 and associated maintenance costs. It is therefore subject to change.

Recommendations for Bromyard sports facilities are set out below and taken from the:

- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

Facility and site hierarchy	Current Status	Recommended Actions	Priority	Timescales	Cost	Aim
<b>Football</b> Delahay Meadow Sports Club Local Facility	One adult pitch of standard quality. Available for community use. Pitch has actual spare capacity of 0.5 MES per week. Ancillary provision of standard quality. Site has previously maintained a further two adult pitches, however since 2013, two of the pitches have not been marked or maintained and are now classified as disused pitches. Work done on the grass pitches could be undertaken to bring the pitches back into use if required.	Look to improve pitch quality with enhanced levels of maintenance. If required explore opportunity to dedicate maintenance to bring disused/unmarked pitches back to use. Explore the opportunity to improve the ancillary provision onsite.	L	L	L	Protect Enhance
<b>Rugby</b> Clive Richards Sports Ground Sports Club Local Facility	Two senior rugby union pitches of M1/D2 (standard) quality. Both pitches have sports lighting and are available for community use. Ancillary provision of good quality. Pitches are currently	Look to improve pitch quality with enhanced levels of maintenance. Explore the creation of additional provision on the site or removal of demand off in order to reduce overplay. If a WR complaint 3G is established in its locality look to transfer partial	M	M	L-M	Protect Enhance

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

	overplayed by four MES per week	demand off the site to the artificial surface in order to alleviate overplay.				
<b>Tennis</b> Clive Richards Sports Ground Sports Club Local Facility	Three disused macadam courts that have not been used for over a decade	If required explore opportunity to dedicate maintenance to bring disused courts back to use.	L	L	L	Protect
<b>Football/3G</b> Queen Elizabeth High School Key Site Education	Two adult pitches of poor quality, available for community use.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance
	The Football is currently working with the School regarding developing a small size 3G pitch. This project was identified within the LFFP and has secured S106 investment. The School is looking at a delegated Football Foundation application submission within the near future (3-6 months), however, it should be noted it is still subject to planning permission	Explore the opportunity to develop a small sided 3G pitch onsite. Ensure the provider has in place a mechanism for future sustainability, such as a sinking fund formed over time (as per Football Foundation Terms & Conditions), for repair and resurfacing when necessary.  It is recommended that a sufficient level of mitigation for the netball/tennis courts is agreed prior to the approval of the conversion.	M	M	M	Provide

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

<b>Cricket</b> Queen Elizabeth High School Key Site Education	One standard quality, standalone NTP. The pitch is available for community use and is used actively by Bromyard CC for senior men's cricket on Saturday afternoons	Look to improve pitch quality with enhanced levels of maintenance.	L	L	L	Protect Enhance
<b>Rugby</b> Queen Elizabeth High School Key Site Education	One senior rugby pitch of M0/D1 (poor) quality. Pitch has no sports lighting and is available for community use. Pitch isn't currently utilised outside of school use	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance
<b>Tennis</b> Queen Elizabeth High School Key Site Education	Two macadam courts of poor quality, with no sports lighting and unavailable for community use. In addition, there is also another macadam area onsite, which previously accommodated tennis courts until c1999, this area has not been used for over two decades	Look to improve court quality with enhanced levels of maintenance	L	L	L	Protect Enhance
<b>Cricket</b> Flaggoners Green (Bromyard CC) Local Facility	One good quality grass square consisting of eight senior wickets and two junior wickets. Ancillary provision of good quality	Sustain square quality with appropriate levels of maintenance. Explore the opportunity to resurface net facility	M	M	L-M	Protect Enhance

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

	<p>Senior wickets currently have spare capacity of seven MES, however, only has actual spare capacity for midweek cricket.</p> <p>The junior wickets are overplayed by three MES.</p> <p>Two lane net facility of poor quality, which needs fully resurfacing</p>					
Bromyard Skate Park Local Facility	<p>One poor quality skate park with no sports lighting. A basic facility made up from wood/composite ramps upon a tarmac base consisting of two roll-in ramps with a funbox in the middle and a rail set to one side</p>	<p>Look to improve quality with enhanced levels of maintenance</p>	L	L	L	Protect Enhance
<b>Shooting</b> Bromyard & District Rifle Club	<p>Bromyard &amp; District Rifle Club indicate a need to improve its facility- for which potential S.106 monies are available.</p>	<p>Support the club with facility developments.</p>	L	M	-	Protect Enhance
<b>Archery</b> Bromyard Archery Club	<p>Bromyard Bowmen indicate a need to improve its facility- for which potential S.106 monies are available</p>	<p>Where possible support Bromyard Bowmen to improve its facility</p>	L	M	-	Protect Enhance

5.9.2 15/2/19 - On/Off site Provision: A combination of both on and of site provision is required from this development.

Provision of both POS and Children's play (both formal and informal) is required on site given the size and location of the proposed development and in accordance with the Open Space Study and Play Facilities Study and Investment Plan. Bromyard only has one neighbourhood play area and recreation ground which already receives a high usage impacting on its quality located towards the centre of Bromyard. It would involve crossing a busy road and a 10 – 15 walk time for younger children which are both unacceptable thresholds for access.

For 120 houses at an occupancy of 2.3 (total population 276) the following is required:

- The developer provides a minimum of 0.33ha (3300sq m) of on-site green infrastructure comprising;
- 0.11 ha (1100sq m) of Public Open Space (@ 0.4ha per 1000 population)
- 0.22ha (2200sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.07 ha (700sq m) should be formal children's play. (@ 0.25ha per 1000 population).

An off-site contribution towards Outdoor Sports will also be sought in accordance with the methodology set out below in accordance with the Playing Pitch Assessment and Outdoor Sports Investment Plan for Bromyard

On-Site POS, Play and SuDs: As shown on the Illustrative Plan and Design and Access Statement the scheme includes the provision for 1.5ha of open space and green infrastructure incorporating surface water drainage pond, boundary landscape and informal amenity space. This is located along the southern boundary fronting Pencombe Lane with the proposed SuDs attenuation pond proposed in the south west corner. The existing hedgerow that dissects the site is to be retained as a wildlife corridor.

The proposal of 1.5 ha is in excess of policy requirement but the applicant has not indicated the amount of usable open space for informal and informal recreation and has included a large land take for the proposed SuDs area. SuDs areas are not considered to be part of the overall POS requirements.

Planning for healthier spaces is good practice and any on site provision should be well designed and of a usable size to offer a range of recreation opportunities and experiences appropriate to the site and location. Safe and accessible networks of green spaces should incorporate both walking and cycling opportunities where possible. It is noted that the previous appeal/planning application 142175/O for this site was required to address the Inspectors concerns with regard to the location of POS and in particular children's play to discourage children accessing the play area from the A44. To address this the application has located the play and POS along the Panniers Lane frontage and indicated pedestrian access will be along this route. While this does provide a safer pedestrian access for children in particular I do have concerns that the POS as shown provides little connectivity or integration within the site and the opportunity to provide green links and safe access from all parts of the development. I would suggest that as the scheme develops should planning be permitted that a formal equipped play area / kick about area is more centrally located offering natural surveillance from the surrounding houses, and that green pedestrian/cycle links are provided to connect to the POS on the southern boundary. This area provides the opportunity to develop more natural play and informal recreation to compliment a more formal centrally located area.

At the reserved matters stage, more detail can be provided as to the play requirement, value size etc, but as a minimum 700sq m will need to be provided of play equipment for all ages: infants, juniors and teenagers as well as a kick about area which could be split across two areas as described above.



SUDs – The SuDs attenuation basin can be included as additional open space (to that required by policy) if designed accordingly to take account of health and safety and standing water issues. Landscape aspects of SUDs need to be designed in accordance with the Councils SuDS Handbook which provides advice and guidance on the inclusion of SuDs on new development. In addition the council advises that developers seek guidance from the CIRIA SuDS Manual and the Wildfowl & Wetland Trust /RSPB available from the Susdrain website. Landscape aspects of the SuDS scheme should be provided as part of the landscape proposals for approval by the planning authority. The designs need to incorporate a SUDs Maintenance Plan (incorporating planting schedules, annotated drawings of SUDs features and ecological aspects). The applicant should seek further advice from the Council at the earliest opportunity

Adoption and Maintenance: 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 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

Off-Site Outdoor Sports Contribution: An off-site contribution will be sort in accordance with evidence bases:

- Bromyard Area Playing Pitch Assessment 2012,
- Outdoor Sports Investment Plan 2018

The Outdoor Sports Investment Plan includes list of priority projects for cricket, football, hockey and rugby and has been prepared by a partnership of Sport England, Herefordshire Council the National Governing Bodies (NGB) for cricket, football, hockey and rugby and the County Sports Partnership. It provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Bromyard Area Playing Pitch Assessment 2012 which provides the evidence base for the provision of outdoor sports facilities and future proofed up to 2031.

Projects include those to develop new facilities and those to provide improvements to existing facilities which are considered to be sustainable and have the support of the relevant NGB in both their regional and local facilities development plans.

The methodology used to assess requirements arising from new development is considered to be CIL compliant and contributions are calculated using the following methodology:

- Total Investment costs: £699,000:
- Total housing planned for Bromyard (Core Strategy): 500 new houses
- Cost per market house: £1,398 (Total investment costs divided by total number of houses)

Summary of projects:

- Football:
  - o New Junior Natural Turf Pitches required to meet identified deficiencies in u13's junior provision:
  - o Facilities development: 2 x 7 v 7 or 4 x 5 v 5 pitches (equivalent to 1 x senior pitch) including initial maintenance costs required.
  - o Cost: £183,000
- Cricket:

- o 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.
- o Facilities development: 2 more pitches to the square and new net facility required to existing facility
- o Cost: £195,000
- Rugby:
  - o New natural turf pitches required: to address identified deficiencies for both seniors and training.
    - 155 x 80 Natural Turf pitch including initial maintenance costs required.
    - Improve drainage to existing pitches
  - o Cost: £231,000
  - o Extension and improvement of current clubhouse to facilitate growing membership
  - o Cost: 90,000

“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 2Q2012/2Q2017 and associated maintenance costs or costs provided by the NGBs

The development of facilities for all three sports are seen as equal importance and residents will potentially benefit from them all. Delivering these projects is dependent on a number of factors including timescales. The heads of terms should be written to enable the contribution to be spent on any one of these schemes at the time of receiving the monies.

5.10 BBLP Land Drainage – comment;

5.10.1 23/9/19 - We have reviewed the updated and amended information provided to support application 190111 The Applicant has clarified that the changes primarily relate to a change in estimated impermeable area that has therefore altered the proposed discharge rates and attenuation requirements. The principles of the design have not changed and therefore, as this application is for outline planning permission, our previous response dated February 2019 remains valid (attached for ease).

We would like to highlight that the detailed design submitted as part of the reserved matters application must include detailed drawings and calculations undertaken using FEH methods and 2013 rainfall data. We also highlight that the Applicant should demonstrate that greater consideration has been given to the use of SuDS as promoted by their FRA.

5.10.2 15/2/19 - In principle we do not object to the proposed development on flood risk and drainage grounds. Should the Council be minded to grant planning permission, we recommend that the following information is included within any reserved matters application:

- A detailed surface water and foul water drainage strategy showing how surface water and foul water from the development will be disposed of and illustrating the location of key drainage features;
- Detailed drawings that demonstrate the inclusion of SuDS, location and size of key drainage features, pumping stations and outfall structures;
- Updated calculations of greenfield runoff rates using FEH methods;
- 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, noting that 2013 FEH rainfall data is expected;
- 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 noting that 2013 FEH rainfall data is expected;
- Updated calculations of proposed attenuation basin sizing, noting that 2013 FEH rainfall data is expected;

- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures (if applicable);
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage system;
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations;
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company

**The full comments made by BBLP Land Drainage are accessible on the Herefordshire Council website via the following link;**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190111](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111)

5.11 Natural England – no objection;

5.11.1 20/4/23 - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. This is on the basis of nutrient neutrality being secured

**The full comments made by Natural England are accessible on the Herefordshire Council website via the following link;**

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190111](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111)

5.12 Dwr Cymru Welsh Water – comment;

5.12.1 9/2/23 - We advise that it is unlikely that the public sewerage network has capacity to accept foul flows from this proposed development, and would advise that prior to accepting any foul connection to the public sewerage system a Hydraulic modelling assessment followed by any necessary reinforcement works that may required following this assessment. In addition we can advise that Bromyard WwTW does not have a phosphate permit. This matter will need to be considered further by the local planning authority.

Turing to the potable water supply, The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991). Information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency. In the absence of these solutions addressed within the Hydraulic Modelling assessments we cannot support the development, 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 take place until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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 surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

**Previous comments from Dwr Cymru Welsh Water relating to this application are accessible on the Herefordshire Council website via the following link; [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190111](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111)**

5.13 Wye Valley NHS Trust – comment;

- 5.13.1 30/1/19 - As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, and the funding for which, as outlined above, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

Without contributions to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at significant risk. Such an outcome is not sustainable.

One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective - to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8

There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's current development Plan.

**The full comments made by NHS Wye Valley Trust relating to this application are accessible on the Herefordshire Council website via the following link; [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190111](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111)**

5.14 Herefordshire and Worcestershire CCG

- 5.14.1 31/5/19 – The planning application proposes the construction of up to 120 new dwellings that will lead to an estimated increase in population of 288 residents. Based in the average number of patients per WTE GP (1,724), this increase in population would require an additional 0.2 WTE GP together with an increase in nursing and non-clinical staff to provide services to these patients. The proposed development will result in moderate increase in population and will have an effect on the practice named above due to them running at near capacity. The funds could be used for better use of current space within the practice or modernisation of hardware to make better use of new consultation methods.

NHS Herefordshire CCG therefore requests a Section 106 capital contribution from the developer for the provision of additional accommodation for primary medical care facilities in Herefordshire, Bromyard area. This contribution is calculated as follows;

<b>Capacity Analysis</b>	
Planned No. of dwellings	120
Average No. of residents per dwelling	2.4
Forecast increase in population	288
Average No. of consultations per annum	6
Forecast consultations per annum	1,728
Forecast consultations per week	33
Average length of consultation	0.17
Forecast consulting room hours required	6
Surgery core opening hours	52.5
No. of consulting rooms required	0.11
Consulting room floor area required m <sup>2</sup>	1.69
Support Accommodation	3.00
Sub Total	4.69
Planning Allowance	1.17
Engineering Allowance	0.59
Circulation Allowance	1.31
<b>Total Floor Area Required</b>	<b>7.76</b>

<b>Cost Analysis</b>		VAT	TOTAL
Construction Cost	£13,967	£2,793	£16,761
Abnormal Site Works	£2,793	£559	£3,352
Sub Total Work Costs	£16,761	£3,352	£20,113
Equipment	£2,933	£587	£3,520
Fees	£3,017	£0	£3,017
Statutory Charges	£1,089	£218	£1,307
Sub Total Non-Works Costs	£7,040	£805	£7,844
Total Works & Non-Works Costs	£23,801	£4,157	£27,957
Risk Contingency Allowance	£3,570	£714	£4,284
<b>Total Cost</b>	<b>£27,371</b>	<b>£4,871</b>	<b>£32,241</b>

As can be seen from this analysis and calculation, the requested contribution of £32241 is necessary to make the development acceptable in planning terms, directly and is fairly and reasonably related in scale and kind to the development.

## 6. Community Representations

### 6.1 Bromyard Town Council – object;

6.1.1 8/2/23 – It was resolved to object to this application. All of Bromyard and Winslow Town Council's previous reasons for objection were reiterated, as submitted to Herefordshire Council on 5th February 2019, 8th October 2019, 5th November 2019, 6th October 2020 and 4th May 2021.

6.1.2 4/5/21 - Thank you for agreeing to an extension to the time allowed for the Town Council to submit comments in respect of the above planning application.

As you are aware, the Town Council commissioned Mr John Lloyd of Flow Consult Limited to carry out an independent review of development proposals relating to highways and transport matters for this application.

Mr Lloyd presented his report to the Town Council's Planning & Economic Development Committee at a meeting held on 29<sup>th</sup> April 2021. At that meeting. Members unanimously agreed

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

with the report's independent findings and resolved that it be submitted to the Herefordshire Planning Authority with the additional comment:

"The Town Council does not believe that any of these matters can be deferred to the detailed application stage because an outline consent, with all matters reserved except for access, must show that the access is deliverable now, in order that the development is deliverable in the future".

Please do not hesitate to contact me if you have any queries on this matter.

6.1.3 16/3/21 - At the meeting of Bromyard & Winslow Town Council's Planning & Economic Development Committee held on Monday 15th March 2021, the Committee resolved to object to this application.

The Committee's reasons are;

- Inadequate and unsafe access
- The reasons given by HM Inspector Nixon in refusing to uphold the last appeal have not been addressed
- No reference to Affordable Housing which is contrary to the Core strategy, Local Development Framework

6.1.4 4/2/20 - At a meeting of the Bromyard & Winslow Town Council Planning and Economic Development Committee, held at 7pm on Monday 3rd February 2020, members resolved to submit further comment to add to their existing strong objections to this matter. I have presented below and on behalf of the Town Clerk, the resolution as worded.

The Planning and Economic Development Committee of Bromyard and Winslow Town Council has noted further proposals made by the applicant on Reference 190111 by Messrs. Gladman, and wish to make further observations and objections.

Firstly, within the SHADOW HABITATS REGULATIONS ASSESSMENT dated 01/11/19 it is proposed, under section 5.3 to construct a foul water storage tank to take all foul effluent (effectively a cesspit) and then to remove it periodically by pumping it into road tankers and then transporting it to the Worcester Waste Water Treatment Works. This is no time period attached to the proposal.

This is in direct contravention of policy on cesspits, and provides a highly unacceptable degree of HGV traffic into and out of the site, and on the A44 to Worcester, together with nuisance from pumping operations, and the town council objects strongly to such a proposal.

Secondly, the town council has already made objection to the unsafe highways proposals regarding a proposed footpath on the Northern side of the A44. It has come to the Council's notice that Messrs Bovis, who are proposing development on the core strategy site on Hardwick Bank, are being put under pressure to provide a 2M footpath on the North side of the A44, which forms part of the Gladman proposals, rather than use the proposed route slightly to the North in Broxash Close. This is in direct opposition to the proposals set out by Bovis in their presentation to the town council, wherein they wished to avoid pedestrian/vehicle conflict in this dangerous area. Bovis has also again confirmed to the town council that they consider the A44 route to be inherently unsafe. This proposal is also in contradiction to the contents of the previous Appeal decision. The town council finds the County Planning / Highways proposals dangerously unacceptable.

Thirdly, the town council is aware of the periodic heavy traffic to and from the Two Hoots Bio-Digester in Pencombe Road, which is not referred to within the traffic assessments. It appears to the town council that the pedestrian arrangements at the Panniers Lane / Pencombe Road intersection, already considered to be highly dangerous, are rendered even more unacceptable by this traffic.



6.1.5 5/11/19 - It was RESOLVED: to re-iterate the Town Council's previous objections to this application. In addition, the Council strongly objects to the location of public transport bus stops (which are crucial to sustainable development) being deferred to Reserved Matters.

6.1.6 8/10/19 - This committee resolved to continue its objection to this application and refers to the reasons already submitted to yourselves via the website based comment portal on 4<sup>th</sup> September 2019 10:59.

Furthermore the Committee (Ref Item F19/99 2.), noting the proposed removal of hedges adds the further reason for its continued objection

"The proposed removal of hedges is against the carbon neutral policy of this town council and as committed to by the Government in its 2050 Carbon Neutral targets. This is in accordance with the Paris Agreement of which the United Kingdom is a signatory".

6.1.7 4/9/19 - At the meeting of Bromyard & Winslow Town Council's Planning & Economic Development Committee held on Monday 2nd September 2019, the Committee resolved to object to this application. The Committee's reasons are;

1. The access concerns upon which the appeal was dismissed have not been addressed.
2. We note that there are now proposals for housing on the same site, which falls within the Avenbury Parish boundary. This runs contrary to Herefordshire's Local Plan Core Strategy adopted by Council on 16/10/15. We refer also to the Planning Inspectorate Appeal Decision Ref APP/W1850/W/19/3226268 (20th August 2019) made by Mr Michael Wood, Inspector.
3. The new proposals include even more removal of historic hedgerows than was proposed in the original scheme and concerned the Inspector at appeal.
4. In addition we note that there is no provision in the Design and Access Statement for houses to be built for occupants with special needs requirements and that, in any event, the access arrangements would not allow for safe or even possible access for occupiers who are disabled.
5. The lack of pedestrian access leads us to the opinion that the revised plan is unsustainable in that it will encourage the use of private motor vehicles.

6.1.8 5/2/19 - At the meeting of the Planning & Economic Development Committee of Bromyard Town Council held on Monday 4th February it was resolved not to support this applications for the following reasons:

1. The applicant cannot demonstrate a safe and satisfactory pedestrian access to the site. The proposed arrangements were specifically rejected at appeal in 2016 (paragraphs 53-59) as an alternative to a footpath to the South of the A44, which was undeliverable. The roundabout crossing point is fundamentally unsafe, and there is insufficient width for the provision of a 2M footpath either to Winslow Road or through to the main crossroads with Panniers Lane and Old Road; constituting a danger to all pedestrians, but especially, especially to mothers and children, elderly and infirm. The road carriageway is also over 1M too narrow in relation to current standards, causing an excessively tight environment.
2. There is no realistic prospect of the delivery of a footpath along the Western side of Panniers Lane from Pencombe Lane, and the proposed bus stops have been rejected by the main operator.



3. The Council continues to be concerned that there is no employment land available to justify further development outside the Town Council's preferred locations, making houses only suitable for retired and commuting, which is not sustainable.

6.2 Avenbury Parish Council – object;

- 6.2.1 24/3/21 - At a meeting of Avenbury Parish Council, held on Monday 23rd March 2021, the Council resolved to OBJECT to this application.

The Council's reasons for objection are;

- Safety concerns due to inadequate and unsafe vehicular and pedestrian access to the site.
- Destruction of historic hedgerows and loss of nesting/refuge habitat.
- Non issue of Certificate B's to neighbouring landowners affected by the development.
- Proposed building within the Parish of Avenbury, contrary to Herefordshire's Core Strategy 2015.
- Unsustainable development with the lack of local infrastructure in place to cope with the demands of the increased population.
- No reference to Affordable Housing which is contrary to the Core strategy, Local Development Framework.
- Concerns regarding potential phosphate/nitrate discharges that could affect the River Lugg catchment area.

- 6.2.2 29/9/20 - At an extraordinary meeting of Avenbury Parish Council, held online on Monday 28<sup>th</sup> September 2020, Councillors unanimously resolved to object to this application, a per their concerns raised previously; - Safety issues surrounding the vehicular and pedestrian access to the site. - Destruction of historic hedgerows and loss of nesting/refuge habitat. - None issue of Certificate B's to neighbouring landowners affected by the development. - Proposed building within the Parish of Avenbury, contrary to Herefordshire's Core Strategy 2015. - Unsustainable development with the lack of local infrastructure in place to cope with the demands of the increase population i.e. Doctors Surgery, school places and sewerage capacity etc. - Concerns surrounding potential phosphate/nitrate discharges that could affect the River Lugg catchment area - no mitigation identified.

- 6.2.3 30/10/19 - At the meeting of Avenbury Parish Council on Monday 28th October 2019, Councillors unanimously resolved to continue with their objection to this application based on the following concerns;

- Safety concerns due to inadequate and unsafe vehicular and pedestrian access to the site.
- Destruction of historic hedgerows and loss of nesting/refuge habitat.
- Non issue of Certificate B's to neighbouring landowners affected by the development.
- Proposed building within the Parish of Avenbury, contrary to Herefordshire's Core Strategy 2015.
- Unsustainable development with the lack of local infrastructure in place to cope with the demands of the increased population.
- No reference to Affordable Housing which is contrary to the Core strategy, Local Development Framework.
- Concerns regarding potential phosphate/nitrate discharges that could affect the River Lugg catchment area.

- 6.2.4 5/9/19 - Avenbury Parish Council have resolved to object to this application on the grounds that the proposals for housing on this site, is contrary to Herefordshire's Revised Core Strategy 2015. Which states all new builds should be within the village of Munderfield RA2 and RA3, these two policies restricts the need for new developments in open countryside. Munderfield already as 22 houses approved which is disproportionate to Munderfield. This proposed development, is not in line with the NPPF paragraph 11 2019 Avenbury Parish Council Chairman, Gill Churchill, requests

the opportunity to verbally express the views of the parish council at the meeting in which this application will be determined by Herefordshire Council.

6.2.5 6/3/19 - At Avenbury's Parish council Meeting on 29th January 2019 the Council resolved to NOT SUPPORT the application 190111

- The Council feel strongly that any building in the parish should take place in Munderfield.
- There is no safe pedestrian access to the site.
- The existing road is unsuitable to accommodate a footpath.
- Other land has already been allotted for development within Bromyard.
- There is no employment land to go with the development making it unsustainable in the short and long term

6.3 Public consultation – Site notice displayed (numerous iterations of public consultation have been undertaken to reflect material changes to the proposed development / additional plans and/or supporting information). 23 parties have made representations objecting to the application, some of these making numerous submissions. The comments can be summarised as follows;

Sustainability

- Site is too far from Bromyard town centre – not conducive to sustainable means of transport
- Cannot be considered a 'walkable neighbourhood' in terms of time and distances to access services and amenities.
- Access onto A44 has been moved further west (than previously proposed with previous applications) and therefore reconsideration should be given to acceptability of distances to Bromyard town centre.
- Lack of employment land / provision within Bromyard – out-commuting therefore inevitable, or higher proportion of home-working or retired.
- Part of the site lies within Avenbury which is not identified for new housing within the Core Strategy.

Housing supply

- The site is not located within the Core Strategy – Hardwick Bank is preferred site.
- Development of site would give rise to an overprovision of housing within Bromyard

Access, highways and connectivity

- Cannot achieve a 2-metre footway along the northern side of the A44 – the option is worse than the previously proposed southern side footway.
- Alterations through widening the carriageway would address the requirement for a 2-metre footway but do not address the issues relating to the pinch point of footpath to the south of Broxash Close.
- The widening of the footway between Upper Hardwick Lane and Winslow Road would appear not to take account of stepped access to properties and associated levels.
- Carriageway and footway falls below the standards of 7.2-metres and 2-metres respectively – creates dangerous environment with HGVs often mounting kerb in passing.
- 'See-through' acceleration of vehicles travelling east along A44 (within shadow of signalised crossing at junction of Panniers Lane and A44) and west towards the new signalised junction.
- Proposed footpath along the northern side of Panniers is not deliverable within the land of the applicant's control. No certificate B has been served on relevant landowners.
- Not conducive to walking and cycling for accessing services and amenities within Bromyard
- Cycling provision is not included and therefore conflicts with the requirements of LTN 1/20.
- Panniers Lane is busy and its junction with Pencombe Lane is tight (exacerbated by nature and volume of vehicle movements associated with equine centre)

- Panniers Lane is subject to on-street parking for school drop-off/pick-ups and makes a dangerous environment for drivers, cyclists and pedestrians.
- Swept path shows tight turning at Panniers / Pencombe Lane junction with little room for error without mounting kerb.
- Can consideration be given to traffic calming measures along Panniers Lane?
- Development will encourage private car journeys to access Bromyard town centre – exacerbating congestion and poorer population health.
- Travel Plan is defective – meaningful cycle use is undeliverable given width along A44 and Panniers Lane.
- Traffic date used in submission is out of date / taken outwith term time.
- Desire lines at Pencombe Road junction are dangerous
- Insufficient consideration given to those with those who struggle with accessibility or wheelchair, pushchair users etc
- Lack of visibility at Winslow Road pedestrian crossing is dangerous.
- Three / four arm junction is not compatible with that proposed by the developer promoting the Hardwick Bank site.
- Uncertainty as to whether the LHA would accept a pedestrian island without a stagger.
- Appropriate delivery mechanism required to ensure that access arrangements align, should the site come forward as well as Hardwick Bank site.
- Council should confirm that the costs of highway works required to deliver a 4 arm junction will reflect the extent of work required for each scheme.
- Capacity testing has only been undertaken for three arm junction.
- Bus service provision to and from Worcester and Hereford is declining and inadequate.
- Addition of bus stops on bend would be dangerous / unsuitable location – the existing bus stop provision at the ‘Top Shop’ is acceptable.
- Details of bus stop provision should be provided as part of this outline (with access) application and not considered at a later stage.
- Bus operator would not serve additional stops on Panniers Lane

#### Open-space

- Positioning of open-space to the southern portion of site would discourage use

#### Ecology

- Loss of hedgerow and associated habitat
- Local presence of bats

#### Landscape

- Loss of strategic hedgerow
- Replacement planting would take a long time to become established
- Development would lead to ‘urban sprawl’ west over the brow of hill.

#### Drainage

- Implications of properties along Panniers Lane discharging to soakaways on application site.
- Pumping of foul water to join mains.
- Concerns there is capacity for this development and allocated Hardwick Bank site

#### Infrastructure

- Additional strain on local GP Surgery which is already operating at capacity.
- Schools are already operating at capacity.

#### Nutrient Neutrality

- Development would contribute to high nutrient levels (phosphates) within the River Lugg.
- Water usage figure of 110 litres per day have been used rather than 120 litres per day.
- Average occupancy of 2.3 is provided rather than 2.4

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

- Existing use is provided as 'cereals' whereas it has been used for pasture with only very occasional replanting.
- The above inputs mean that the amount required to mitigate may be 24.6% less than actually required.

#### Amenity

Pollution issues from HGVs stopping and accelerating should signalised junction on A44 be set to red in 'rest state' in attempt to slow vehicle speeds.

#### Other

- It has not been demonstrated that the scheme is deliverable comprehensively with the allocated site at Hardwick Bank.
- It would prejudice the delivery of the Hardwick Bank site and the associated benefits accruing from this.

**The full comments made by members of the public relating to this application are accessible on the Herefordshire Council website via the following link; [https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=190111](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111)**

## **7. Officer's Appraisal**

### **Principle of development**

- 7.1 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."
- 7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 7.4 Herefordshire Council are able to demonstrate a 5 year housing land supply. Accordingly, this renders the housing supply policies as contained within the Core Strategy as being compliant with the principles as set out within the NPPF and therefore are up-to-date. They therefore attract full-weight for decision-taking purposes in terms of applying the presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF.
- 7.5 In accordance with the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 confirms that Hereford City, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community".

- 7.6 Policy SS2 makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford City and the market towns.
- 7.7 Policy BY1 of the Core Strategy set out that Bromyard will accommodate a minimum of 500 new homes with around 5 hectares of employment land during the plan period. It states that the majority of new homes will be located in the northwestern areas of the town, with a minimum of 250 new homes.
- 7.8 Policy BY2 identifies a sustainable urban extension at land at Hardwick Bank to the northwest of the town. There is currently an outline application for a sustainable urban extension comprising: up-to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads; and associated infrastructure, under consideration by the Local Planning Authority (163932/O refers).
- 7.9 The site is located adjacent to the main built up part of the town and would extend the settlement in a westerly direction away from development located along Panniers Lane. Although lying to the south of the area identified by (as per Policy BY2 of the Core Strategy), it should be acknowledged, as affirmed in the Inspector's decision to dismiss 142175/O (APP/W1850/W/15/3039164 refers) that there will be instances where the minimum growth targets that are prescribed by the Core Strategy will be exceeded over the plan period through the granting of planning permissions which represent sustainable development. Such housing growth figures should not act as a ceiling – they are targets.
- 7.10 Furthermore, although the site falls partly within the Parish of Avenbury, the area, alike Bromyard and Winslow, does not benefit from a NDP which directs / allocates sites for new residential development. Therefore, development which relates to the main built up part of Bromyard, a sustainable market town, can be judged as acceptable from a purely locational sense.
- 7.11 The application is not considered to be materially different in nature to previous applications considered by the Local Planning Authority (and the Inspector) with respect to the quantum of development proposed. Although all matters material to the consideration of this application will be discussed in the following sections, the crucial matters to be resolved are whether safe vehicular and pedestrian access can be provided to serve the development and this will determine the in-principle acceptability of the development of this site and whether the proposal can be considered to accord with the development plan in the round.

### **Landscape and visual impact**

- 7.12 Policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design, scale, nature and site selection of the development, as well as the protection and enhancement of the setting of settlements and designated areas. Development proposals should conserve and enhance the natural, historic and scenic beauty of important landscapes and features (specifically designated assets) through the protection of the area's character and by enabling appropriate uses, design and management. New landscape schemes along with their management should ensure development integrates appropriately into its surroundings and maintains tree cover. In wider terms, Policy SS6 sets out that development proposals should conserve and enhance environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity, heritage assets, and especially those with specific environmental designations. All proposals should be shaped through an integrated approach to planning to ensure environmental quality and local distinctiveness.
- 7.13 Policy BY1 of the Core Strategy states amongst other things that within Bromyard, development will be encouraged where it contributes to the quality of Bromyard's local environment, including its landscape and historic character.

- 7.14 The site does not benefit from any special landscape designation but officers nevertheless note previous consideration given to the impact the scheme would have on the landscape character. The site is located within the Landscape Strategic Corridor forming part of BroLSC 2 as set out within Herefordshire Council's Green Infrastructure Strategy (2010). Within the Council's Urban Fringe Landscape Sensitive Analysis, the site is judged to be highly sensitive. Within the Council's Landscape Character Assessment it forms part of the Timbered Plateau Farmland type.
- 7.15 It is acknowledged that the zone of visibility would take in land immediately to the west as well as a more extensive tranche of distant land occupying an elevated position. In between these two areas there exists a section of lower lying ground that offers only very limited views from distance.
- 7.16 In considering the impact of the development on the landscape, the Inspector has previously concluded that "the landscape impacts would be limited in extent and no distant views would be affected to any significant degree. From the higher land to the west, the appeal site occupies only a relatively small area in the wider panorama and during summer, the site would benefit from appreciable screening, thereby offering only filtered views".
- 7.17 Although it is accepted that from the roads either side of the site (A44 and Pencombe Lane) would be subject to more prominent views of the site, recent development along the higher ground and crest of the hill to the immediate east of the application site (along western side of Panniers Lane) has demonstrably changed the views towards the town. This has resulted in an erosion of this fringe to the town and is a view also corroborated by the Inspector. With this, the urban edge to the town is markedly further west than previous. Although the proposed development would further extend this in a westerly direction, it would do so in a manner and direction consistent with the existing edge.
- 7.18 The policies relating to new housing within Bromyard highlight the northwestern area as being the focus. Indeed, Policy BY2 identifies land to the immediate north of the site on the opposite side of the A44 for housing development, invariably altering the character of the western entrance to Bromyard in an urbanising way, especially noting the requirement for vehicular access to the Hardwick Bank site from this point.
- 7.19 Consistent with the conclusions made previously by the Inspector and noting the above, it is considered that while there would invariably be a change to the character of the landscape as a result of the development, such impact would be modest and localised – expected as part of the planned growth of the town in a northwesterly direction. Acknowledging the no objection comments made by the Built and Natural Environment Team (Landscape), it is considered that subject to careful consideration of landscaping at any reserved matters stage, the development can be accommodated suitably without causing any landscape harm which would solicit tension with Policy LD1 of the Core Strategy.

### **Access, highway safety and connectivity**

- 7.20 Policy MT1 of the Core Strategy relates to the highways impacts of new development, and requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. This approach accords with the principles outlined in section 9 of the NPPF, in particular Paragraphs 110 - 111 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.

- 7.21 In this case, noting the history of the site and most pertinently the conclusions of the Inspector, there are considered two particular strands relating to this matter which require scrutiny. The first relates to the creation of a new vehicular access to the site taken from the A44 – and any potential conflicts which may arise with the delivery of a suitable and safe access to the strategic housing site at Hardwick Bank to the north (see Policy BY2 as above referred). The second relates to the provision of safe pedestrian routes from the site into Bromyard and specifically, access to services and amenities including the Primary School and the nearby Queen Elizabeth High School which is situated to the eastern side of Panniers Lane.
- 7.22 Officers acknowledge that the Town Council, as well as local residents who have made representations objecting to the application focus on a number of highway safety and connectivity issues. They generally relate to the appropriateness of a footway link along the A44 in consideration of highway conditions and character and associated highway safety issues; the deliverability of an acceptable footway along Panniers Lane and; general accessibility of the site in consideration of highway conditions and topography etc.
- 7.23 There have been successive iterations with respect to the principal means of vehicular access to the site which most recently (163001 refers) included the provision of a priority T-junction – later to be replaced by a four-arm roundabout, should the allocated Hardwick Bank site be forthcoming. The following were considered fundamental issues by officers previously which in part, prevented an acceptable solution with respect to vehicular access from being realised;
- The submission failed to explain when or by whom the roundabout would be installed. Whilst no mention was made about viability by the applicants, there were concerns about this if a development of 120 dwellings were required to provide such a significant piece of infrastructure.
  - Officers considered that it would be unreasonable to require the developer of the Hardwick Bank site to make any provision for installing a roundabout as part of their scheme when they have proposed a three-arm roundabout that would appear, from a technical perspective, to satisfactorily serve their site. It should also be noted that their solution relies only on land within the highway or land within their control.
  - Despite attempts made by the Officers to facilitate co-operation between the two parties involved, there did not appear to be a willingness to co-operate. This brought into question the ability of the applicant to deliver a four-armed roundabout.
- 7.24 In seeking to address the above previously identified concerns, the currently proposed arrangement is for a signalised junction which would provide a single means of access to the site, taken from the A44. This is different to previously presented arrangements insofar that the design of the junction would enable the provision of a fourth arm to serve the Hardwick Bank site. Although some comments received raise concerns with respect to the alignment of this relative to the access proposals for Hardwick Bank, the Local Highway Authority confirms that the provision of any fourth arm could be aligned a couple of metres east or west at the detailed design stage, should this be required.
- 7.25 The LHA details the implications of timing should both this site and the allocated site at Hardwick Bank currently under consideration come forward. This would mean that if this scheme were to commence first then it would be constructed in its entirety as proposed, and then the Hardwick Bank site would add a fourth arm to the junction. Conversely, should the Hardwick Bank site commence first then it would entail the construction of the junction as proposed – and considered acceptable as part of that application, along with the footway on the northern side of the A44 between Upper Hardwick Lane and Winslow Road. When this site then came online the junction would require alteration in order to accommodate the junction design currently, as well as the other Section 278 work, including the footway along the northern side of the A44 between the proposed access and Upper Hardwick Lane and alterations to the kerb line on the northern side

of the A44 between Upper Hardwick Lane and Winslow Road and widening of the A44 carriageway.

- 7.26 With the above in mind, officers are satisfied that a satisfactory vehicular access arrangement is achievable, without prejudicing – or sterilising the ability for the strategic and allocated site at Hardwick Bank to come forward with access also taken from the A44, as required.
- 7.27 Turning to issue of pedestrian connectivity, the application proposes two principal means of pedestrian access from the site in order to connect with the rest of the town, namely via the A44 and also Panniers Lane. As part of the vehicular access arrangements, the proposal includes the widening of the A44 carriageway in a westerly direction from halfway between the junction with Winslow Road and Upper Hardwick Lane. This would enable the provision of a 2-metre footway along the northern side of the A44, via a signalised crossing with a pedestrian phase to enable complete crossing of the carriageway (without the need for island refuge). It is considered that the provision of a signalised crossing would address the concerns raised previously by the Inspector with respect to the access being situated within the shadow of the pelican crossing at the junction of the A44 and Panniers Lane – resulting in the ‘see through’ effect whereby vehicles accelerate on their eastern approach in attempt to beat the red light signal traffic command.
- 7.28 It is noted that concerns have been raised with respect to the safety of pedestrians using this footway given the geometry of the A44, especially around the junction of Winslow Road to the east of where the carriageway would be widened (to the immediate south of the properties along Broxash Close). With this, the footway between the junction with Upper Hardwick Lane and Winslow Road would be widened to 2-metres, together with the provision of a 0.5-metres grass verge. It is noted that the existing carriageway would not be reduced in width, and the LHA are satisfied that the footway provision can be accommodated on land within the highway extent. Although the carriageway may be narrower than standards for new roads, consideration must be given to whether the alignment and geometry of the existing road is sufficient to accommodate the impact of the proposed development.
- 7.29 Tactile paving and dropped kerbs are also proposed at the corner radii of the A44 junction with Winslow Road. It should also be noted that this crossing was subject to a Stage 1 Road Safety Audit, where no issues were identified.
- 7.30 Although frequent reference is made to the Inspectors commentary of their experience of the existing footway provision along the northern side of the A44, this was on the basis of the existing arrangements being used as an alternative to the undeliverable southern side option – without the widening and other enhancements proposed now – as discussed above.
- 7.31 While officers acknowledge that the A44 is constrained in the above mentioned location and that increasing its width would be desirable, the proposed development is not required to solve any existing transport or highway related issues that may exist. In this case, the LHA have advised that the ability to provide a 2-metre footway together with the section with a grassed verge along the stretch not subject to carriageway widening, is sufficient to demonstrate a safe pedestrian access to serve the site. The verge is considered sufficient in addressing concerns relating to overhanging wing-mirrors associated with HGVs and there is comfort that the carriageway, despite being below standards for new roads, is still sufficient in safely enabling the passing of two HGVs in this location.





- 7.35 Notwithstanding concerns raised locally with respect to the deliverability of the proposed footway schemes, the LHA have confirmed that it has been proven that there is sufficient land within the control of the authority for the preferred, full footway to be delivered, without any reliance on third party land. It is acknowledged that there are level differences between the carriageway and neighbouring land to the east which would mean that some engineering operations would be required – this would entail the removal and re-instatement of the boundary fence adjacent to the southernmost property along Panniers Lane. The recommended condition relating to the off-site highway works would secure the implementation of this infrastructure.
- 7.36 Vehicle tracking (swept-path analysis) has been provided to demonstrate the manoeuvring of large vehicles at the junction of Panniers Lane and Pencombe Lane. It shows no discernible change between the existing arrangement and the proposed which would lead to any concerns with respect to conflict with pedestrian flows in acknowledgement of the acceptability of the proposed pedestrian connectivity. Parking along the eastern side of the Panniers Lane is prevalent further north adjacent to the footway – rather than alongside the grassed verge. As such, any peak period / intermittent on-street set-down/pick-up type parking along Panniers Lane is not considered such in which taken together with the impact of the development, give rise to any severe cumulative impact on the road network.
- 7.37 Concerns have also been raised with respect to the accessibility of the site to the services and amenities within Bromyard town-centre. It is noted however that the Inspector has previously considered that the site *“allows most of the existing facilities to be reached by walking, through some destinations would be at the limit of acceptability”*. The grounds for previous objection were rather substantiated in the inability to demonstrate safe and deliverable footway connectivity. Additionally, the site has already been considered sustainable from a locational perspective and sits adjacent to the main built part of the town.
- 7.38 Similar to the above, on the basis that the application now demonstrates safe and deliverable footway connectivity, the concerns with respect to gradient are not considered such which amount to a genuine disbenefits in the attractiveness of the proposed walking routes on the basis that the average gradient would be less than 5% as quoted as an ideal maximum within Manual for Streets (MfS).
- 7.39 Although the proposal does not include at this stage any dedicated cycle lanes, as a whole when considering the acceptability of the proposed footway provision, the scheme would encourage active travel behaviour and reduce reliance on the private car. Further measures relating to cycle infrastructure could be secured as necessary through any subsequent reserved matters submission, or detailed design stage (Section 278). Although comments received claim that the proposal fails to accord with LTN 120, this is a transport note that provides guidance and good practice for cycling and walking infrastructure – it does not place statutory obligations on Local Planning Authorities to secure such infrastructure as part of development.
- 7.40 In terms of the provision of a bus stop along Panniers Lane, this is included as proposed off-site works to encourage modal shift through the use of public transport. This would be along the route served by the 462 Service between Hereford and Bromyard. Bromyard also benefits from bus services towards Worcester and Leominster.
- 7.41 In the round, therefore, the proposal is considered to accord with the expectations set out at a strategic level by Policy SS4 as well as the requirements of Policy MT1 of the Core Strategy and the principles set out within the NPPF.

### **Public open space**

- 7.42 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in

accordance with all applicable set standards. In this instance, due to the scale of the development there is a requirement to provide onsite play / open space provision.

- 7.43 Together with contributions towards off-site sports provision, for 120 houses at an occupancy of 2.3 (total population 276) the following on-site provision would be required:
- 7.44 The developer provides a minimum of 0.33ha (3300sq m) of on-site green infrastructure comprising;
- 0.11 ha (1100sq m) of Public Open Space (@ 0.4ha per 1000 population)
  - 0.22ha (2200sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.07 ha (700sq m) should be formal children's play. (@ 0.25ha per 1000 population).
- 7.45 The submitted illustrative site layout shows that the location of the open space to the south of the site close to the junction with Panniers Lane and Pencombe Lane. This was to address the issues relating to pedestrian safety as discussed through previous submissions / appeal decision. The Open Spaces Planning Officer acknowledges that its currently proposed location may address these previously identified concerns, there are some concerns with respect to its reduced integration with the rest of the site. Therefore, it would be expected that any forthcoming reserved matters application presents a layout which prioritises connectivity and integration of public open space within the site. There is also concern from local residents in regards to the location of public open space and that this would no longer form a 'gateway feature' to the site as previously promoted. This again would be explored covered at any forthcoming reserved matters stage. Officers note that the application is for 'up to 120 dwellings' and due to existing site constraints detailed consideration would, however, always need to be given to the use and amount of development at reserved matters.

#### **Impact on residential amenity**

- 7.46 Policy SD1 of the Core Strategy seeks to ensure development does not give rise to any adverse impacts on the amenity of existing or future occupiers. For a residential scheme, this could be as a result of overlooking, overshadowing and loss of light. Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution.
- 7.47 In this case, the application is made in outline with all matters reserved for further consideration (except access) as part of any reserved matters application. The site falls away from its boundary with the properties along the eastern side of Panniers Lane. With the exception of these properties and Chactonbury (located adjacent to the southwestern corner of the site), there are no other properties immediately adjacent to the site.
- 7.48 Officers are satisfied that a suitably considered reserved matters submission – especially with respect to scale and layout could demonstrate that the provision of the quantum of development sought could come forward without compromising residential amenity.
- 7.49 Safeguarding conditions are recommended which can adequately address any temporary amenity issues which could result from the construction phases.
- 7.50 Overall, therefore, the application is considered such which would not adversely impact on the amenities of neighbours and thus accords with the expectations of Policy SD1 of the Core Strategy and the principles set out within the NPPF.

#### **Drainage and flooding**

- 7.51 Policy SD3 expects that new development comprises effective and sustainable water management in order to reduce flood risk. This includes ensuring that development proposals are

located in accordance with the sequential test and exception tests where appropriate, consistent with the overarching guidance and principles as set out within the NPPF. Furthermore, development should include appropriate sustainable drainage systems (SuDS) to manage surface water, appropriate to the hydrological setting of the site.

- 7.52 The entirety of the site lies within Flood Zone 1 – the nearest watercourse to the site is a land drain which originates along the western boundary of the site and is a tributary of the Hackley Brook.
- 7.53 As the site is greater than 1 hectare, a Flood Risk Assessment (FRA) has been submitted as required. As set out in the comments made by the BBLP Land Drainage Team, the FRA comprehensively covers all potential flooding risks.
- 7.54 In terms of surface water, the submission has given demonstration of the SuDS hierarchy, with infiltration to ground having been discounted due to poor results following infiltration testing. As such, surface water management would be dealt with by way of controlled discharge to the watercourse to the west of the site (this would require Ordinary Watercourse Consent from the Lead Local Flood Authority).
- 7.55 With respect to foul water, this would be dealt with by way of a connection to the mains sewer (Dwr Cymru Welsh Water). In the most recent comments, Dwr Cymru Welsh Water advise that it is unlikely that the public sewer will have sufficient capacity to accommodate the development at the present time. As such, a pre-commencement condition is required to identify a point of connection to the public sewerage system through the use of hydraulic modelling.
- 7.56 It should also be noted that a 4-metre easement is proposed to the western extent of the site in order to allow for maintenance and to keep the drain clear from debris and overgrown maintenance. This would also be the case for the potable trunk main.
- 7.57 Whilst acknowledging the constraints detailed above, in principle the proposal is considered acceptable from a flood risk and drainage perspective. Full drainage details would be secured together with layout as part of any forthcoming reserved matters submission, as secured appropriately by condition. The proposal is therefore not considered to solicit any tension with Policy SD3 and SD4 of the Core Strategy.

## **Ecology**

- 7.58 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 7.59 Given the period of time in which the application has been under consideration by the Local Planning Authority, the submitted Ecology Appraisal and Bat Survey have been updated in 2022 to reflect any potential changes over time and to ensure that they are relevant. Nevertheless, given the history of the site, a significant amount of ecology survey work has been undertaken over the past 10 years as advised by the Ecology Team.
- 7.60 Overall, while noting concerns raised locally with respect to the impact of the development on the ecology of the area including bats, there are considered no significant ecology related constraints with respect to direct effects on protected species. It is considered that conditions as recommended by the Ecology Team can suitably address any potential impact which would be considered together with an appropriate reserved matters submission.
- 7.61 Matters relating to hedgerows would be dealt with as a landscaping matter through any forthcoming application seeking approval of the reserved matters. It is acknowledged that there

would need to be some loss of hedgerow to accommodate the increased in width of the A44 and to facilitate the vehicular access to the site. However, it is considered that through details secured by conditions and indeed effective landscaping, this can be mitigated.

- 7.62 As such, there is not considered to be any tension with Policy LD2 or LD3 of the Core Strategy and the principles as set out within the NPPF.

### **Impact on the River Lugg / Wye Special Area of Conservation**

- 7.63 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC) currently failing its conservation status as a result of phosphate levels within the river.
- 7.64 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 7.65 The Applicant in this case has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 14.82kg TP/year which must be managed against in order to avoid detriment to the River Lugg. The Council's Built and Natural Environment Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 7.66 Noting the above, the Applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated. Based upon the annual phosphorus load of 4.47kg TP/year, the Applicant is required to purchase credits to the value of £207,480. This would be secured by a Section 106 legal agreement.
- 7.67 The Council's Built and Natural Environment Team (Ecology) has completed an appropriate assessment. This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposal is compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of Core Strategy.
- 7.68 This assessment has been submitted to Natural England for consideration and a response was received on 20 April 2023 to confirm that the statutory body agreed with the Local Planning Authorities conclusions. The proposed development would be made nutrient neutral by purchasing credits to a constructed wetland and Natural England agrees that with this nutrient neutrality in place, there are no adverse effects on the integrity of the River Wye SAC. They hence offer no objection.

### **Climate change**

- 6.69 Core Strategy Policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers

tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

- 6.70 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living and sustainable modes (as defined by the NPPF). The NPPF sets out at paragraph 110 that in assessing sites for specific applications for development Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this Paragraph 112 sets out that developments should be designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 6.71 The agent has submitted a completed 'Climate Change' checklist. This document sets out the measures planned by the applicant to achieve energy reductions within the proposed development. A condition is recommended to ensure electric vehicle charging points would be considered at the reserved matters stage, setting out how design measures will be incorporated as part of the development.

### **Affordable Housing / Housing Mix**

- 6.72 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. The proposal is for up to up to 120 units; and therefore there is a requirement for its provision. The site would secure, via a Section 106 agreement, the provision of 40% affordable housing at a tenure split of 29no. social rented and 19no. shared ownership as confirmed by the Council's Strategic Housing Officer. The siting and design of the affordable dwellings would be secured as part of any forthcoming reserved matters submissions.
- 6.73 Core Strategy Policy H3 expects development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. To ensure that this is delivered as part of any forthcoming reserved matters submission, a condition is recommended to agree either in advance, or as part of a reserved matters submission (layout) the housing mix, having regard to the latest housing market assessment. Officers are content that this condition, along with the Section 106 agreement in respect of affordable housing, would ensure compliance with both policies H1 and H3 of the Core Strategy and provide the balanced and inclusive community that these strive for.

### **Section 106 - Planning Contributions**

- 7.74 Core Strategy Policy ID1 states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in Paragraph 56 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (Section 106 agreement). To meet the tests obligations satisfy all of the following:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 7.75 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services) and the Wye Valley Trust (primary health care). Contributions to the Wye Valley Trust are necessary

to bridge an initial funding gap resulting from the unplanned for increased population resulting from the development.

7.76 These contributions are set out within the draft Section 106 agreement and also includes the mechanism for the securing of the requisite purchase and allocation of phosphate credits to mitigate the phosphate impacts of the development as above set out. A summary is set out below.

<b>Infrastructure</b>	<b>Quantum of contribution</b>
Affordable Housing	40% of the residential units will be affordable dwellings intended for occupation as Social Rented and Intermediate tenure with local priority to Bromyard.
Hospital contribution	A financial contribution of <b>£530.14 (index linked)</b> per dwelling to provide the health care facilities required at Hereford County Hospital.
Healthcare contribution	A financial contribution of <b>£268.67 (index linked)</b> per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	A financial contribution of; <ul style="list-style-type: none"> <li>• <b>£7,629.00 (index linked)</b> per 2 bedroom open market dwelling</li> <li>• <b>£7,629.00 (index linked)</b> per 3 bedroom open market dwelling</li> <li>• <b>£13,816.00 (index linked)</b> per 4 bedroom open market dwelling</li> </ul> to provide the education facilities at Bromyard Early Years, St Peters Primary School, Queen Elizabeth Humanities College, Bromyard Youth and Special Education Needs.
Recycling and waste contribution	A financial contribution of <b>£80.00 (index linked)</b> per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of <b>£1,398.00 (index linked)</b> per open market dwelling to provide sports facilities for football, cricket, rugby, tennis, shooting, archery and skate park in Bromyard
Transport contribution	A financial contribution of; <ul style="list-style-type: none"> <li>• <b>£2,458.00 (index linked)</b> per 2 bedroom open market dwelling</li> <li>• <b>£3,690.00 (index linked)</b> per 3 bedroom open market dwelling</li> <li>• <b>£4,917.00 (index linked)</b> per 4 bedroom open market dwelling</li> </ul> To provide any or all of the following transport infrastructure improvements; <ul style="list-style-type: none"> <li>• Upgrade the uncontrolled crossing in Panniers Lane to a Toucan crossing if the Hardwick Bank site is built out as this would increase demand</li> <li>• Upgrade the uncontrolled pedestrian crossing at the site access junction with the A44 to a toucan crossing if the Hardwick Bank site is built out as cycle use at this crossing would increase</li> </ul>

Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

	<i>A section 278 highway agreement will be required for the proposed access, provision of footways and reduction in speeds</i>
On site Public Open Space and Play	<p>The developer covenants with Herefordshire Council to provide a <u>minimum</u> of 3300ha (0.33sqm) of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> <li>• 0.11 ha (1100sqm) of Public Open Space (@ 0.4ha per 1000 population)</li> <li>• 0.22ha (2200sq m) of Children’s Play (@ 0.8ha per 1000 population) of which 0.07ha (700sqm) should be formal children’s play. (@ 0.25ha per 1000 population).</li> </ul> <p>The management and maintenance of any on site POS will be by a management company which is demonstrably adequately self funded or will be funded through on going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community.</p>
Phosphate credit purchase	<p>Purchase of phosphate credits to ensure that the development is phosphate neutral and will not adversely affect the catchment as a habitat site;</p> <ul style="list-style-type: none"> <li>• <b>14.82 kg = £207,480.00</b></li> </ul>

## Conclusion

- 7.77 The application is made in outline with all matters reserved except for access and therefore it is only the principle of development that is for consideration at this time. The application must be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development where it accords with the development plan without delay. The development plan policies most important in determining the application are consistent with the principles established through the NPPF and Herefordshire is able to demonstrate a 5 year housing land supply. As such, the relevant policies as contained within the development plan are considered up to date. The tilted balance as set out within the NPPF is therefore not engaged.
- 7.78 The accessibility of the site and its connectivity with the adjacent built up area of Bromyard and the services and amenities afforded within the town itself is a principal consideration. The site represents a western extension to the town and is well contained by existing field boundaries and by the A44 and Pencombe Lane. It is therefore, an appropriate location for residential development and this has not previously been disputed, including by the Planning Inspectorate.
- 7.79 While the sites does not form part of a site identified for housing within the Core Strategy, housing targets should not be read as a ceiling to preclude any further growth where it is considered to represent sustainable development.
- 7.80 It has previously also been established that the site has capacity to accommodate the proposed quantum of development, without eliciting any demonstrable landscape harms whilst acknowledging that there would be an expected visual change. Indeed, all other matters such as appearance, layout and landscaping would for consideration and determination as part of any forthcoming reserved matters applications, and officers have identified key issues that will be key to informing an acceptable scheme is brought forward. These include, recognising key constraints such as existing landscape and biodiversity features and integrating them into the



development successfully whilst addressing technical matters such as highway layouts and drainage.

- 7.81 Furthermore, following extensive dialogue with the Local Highway Authority it has been concluded that the local highway network can absorb the traffic impact of the development without adversely affecting the safe and efficient flow of traffic on the network. It has also been demonstrated that safe and deliverable pedestrian connectivity can be provided as part of the development. The proposals have demonstrated that the development would give genuine choice as to regards to movement, with delivery secured through mechanisms such as Section 278.
- 7.82 The development would give rise to both social and economic benefits which would include but not be limited to the initial boost to the local economy during the construction phase, albeit the extent and magnitude of this cannot be guaranteed. There would however be inevitable spend from future occupiers and additional dwellings to increase choice within the market including affordable provision. The securing of an appropriate mix of open-market and affordable housing would also help to contribute towards a mixed and balanced community.
- 7.83 Financial contributions would also be secured and these would provide for additional local infrastructure capacity where required, including local education and GP provision. In the context of local concerns with respect to capacity, this is considered to be a benefit of the development.
- 7.84 Subject to a well considered reserved matters application(s), it is reasonable to conclude that there would be no adverse environmental impact; or if any do arise, that they would be of such insufficient magnitude to outweigh the benefits of providing residential development, including affordable housing, in a sustainable location.
- 7.85 As such, the proposal is judged to be in accordance with the policies of the development plan and is therefore found to be representative of a sustainable form of development.

## **RECOMMENDATION**

**That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions or amendments to conditions considered necessary:**

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990**

- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

**Reason: To enable the Local Planning Authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 4 The development shall be carried out strictly in accordance with the approved plans as far as it relates to access;**

**Location Plan  
Access Plan (1470/32 Rev I)**

**except where otherwise stipulated by conditions attached to this permission**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

#### **Pre-commencement**

- 5 No development shall commence until a plan has been submitted to and approved in writing by the Local Planning Authority identifying the phasing, if any, for the development and shall specify the following;**

- Residential phases**
- Timing of delivery of on-site highway works (including but not limited to on-site roads, footways, cycleways)**
- Timing of delivery of offsite highways improvements**
- Timing of delivery of public open space**
- Delivery of drainage infrastructure**

**The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan.**

**Reason: To clarify the delivery of the proposed development (in relation to conditions and RM submissions) and ensure the acceptable phasing of the construction so as to ensure no detriment to the safe operation of the highway network and the timely provision of necessary infrastructure. This is to ensure compliance with Herefordshire Local Plan – Core Strategy Policies SD1, SS4, SS7, MT1, OS2**

- 6 The reserved matters application, relating to the reserved matter of Landscaping, submitted pursuant to Condition 1 shall be accompanied by a scaled landscape scheme that shall include, but may not be limited to the following;**

- The scheme shall include a scaled plan identifying:**
- Trees and hedgerow to be retained, setting out measures for their protection during**
- construction, in accordance with BS5837: 2012.**
- Trees and hedgerow to be removed.**
- All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
- All proposed hardstanding and boundary treatment**

**Reason: To safeguard and enhance the character and amenity of the area in order to accord with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 7 Proposals for the number, size and type of the tenure for both open market, affordable shall be submitted to the Local Planning Authority for approval either prior to, or as part of any reserved matter application(s) relating to Layout.**

**This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document adopted by the Local Planning Authority).**

**Reason: To define the terms of the permission and to comply with Policies RA2 and H3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

- 8 Any reserved matters application(s), relating to the reserved matter of Layout, submitted pursuant to Condition 1 shall be accompanied by a detailed scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with. The submission shall include, but not be limited to the following; -**

- Detailed drawings that demonstrate the inclusion of SuDS, location and size of key drainage features, pumping stations and outfall structures;**
- Updated calculations of greenfield runoff rates using FEH methods;**
- 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, noting that 2013 FEH rainfall data is expected;**
- 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 noting that 2013 FEH rainfall data is expected;**
- Updated calculations of proposed attenuation basin sizing, noting that 2013 FEH rainfall data is expected;**
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures (if applicable);**
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas**
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;**

- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage system;
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations;
- Operational 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 effective drainage facilities can provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy LD2, SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 9** No development shall commence for that phase, including site clearance or demolition, or movement of equipment and materials on to site, until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The objective of the plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may not be limited to:
- I. a description of the likely quantity and nature of waste streams that will be generated during construction of the development;
  - II. measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;
  - III. measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and
  - IV. details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling

**Reason:** To ensure, manage and co-ordinate the protection and enhancement of the Environment in accordance with the requirements of Policies SD1, SD3, SD4, LD1, LD4 of the Herefordshire Local Plan - Core Strategy and Policy SP1 of the emerging Herefordshire Minerals and Waste Local Plan.

- 10** No development shall commence for that phase, including site clearance or demolition begin or equipment and materials are moved on to site, until details of including where tree protection shall be erected and works within root protection areas is required, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological

surveys and site assessments under two years old from date of CEMP and also include:

- Hours of working
- Tree protection (and arb report)
- Dust management and mitigation measures
- Storage of materials

The approved CEMP shall be implemented in full for the duration of all construction works at the site unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

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

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location and specification
- Parking for site operatives
- Construction Traffic Management Plan
- Travel plan for operatives.
- Siting of site compound / site offices (including stack heights) and storage areas

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 Development (in each phase) shall not begin until a Resource Audit to identify the approach to materials. The Resource Audit shall include the following;

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

Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.

Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and emerging policy SP1 of the Herefordshire Minerals and Waste Local Plan.

- 13 No development shall take place until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

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.

- 14 Development shall not begin in relation to the following specified highways works until the details have been submitted to and approved by the Local Planning Authority in writing following (or concurrently with) the completion of the technical approval process by the local highway authority. The works shall include the following;

- Panniers Lane Footway Scheme to provide connectivity from southeast of site.
- A44 Pedestrian Improvements/Footways to provide connectivity from north of site.
- A44 Signalised Access Junction
- Bus stop provision along Panniers Lane

The development on each respective phase shall not be occupied until the scheme has been constructed in accordance with the approved details for that respective phase.

Reason: To ensure the safe and free flow of traffic on the highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy Plan and the National Planning Policy Framework

#### Pre-occupancy or other stage

- 15 In addition to any landscaping or green infrastructure that may otherwise be required; prior to any new development above damp proof course levels, a detailed and holistic side-wide location plan for proposed biodiversity net gain enhancement features including significant and meaningful provision of ‘fixed’ habitat features including a range of bird nesting boxes, bat boxes (or similar roosting features), Hedgehog homes and hedgehog highways through all impermeable boundary features and consideration for pollinating insects and invertebrates, must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full and hereafter maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason: To ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency**

- 16 Prior to the first occupation of any dwelling within any phase of residential development hereby permitted, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority**

**Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework**

- 17 Prior to the first occupation of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.**

**Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 18 Prior to the first occupation of each dwelling within any phase of residential development hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the Local Planning Authority and implemented as approved.**

**Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework**

- 19 Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the dwelling to which this relates development hereby permitted. Thereafter these facilities shall be maintained;**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to**

conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

## Compliance

- 20 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 21 No external lighting shall be provided other than the maximum of one external LED down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency

- 22 No dwelling shall be occupied until the following landscape / open space management details for all areas outside of the curtilage of the dwellinghouses are submitted;

a map or plan indicating the management responsibility of each respective area of the proposed development.

a schedule of implementation and maintenance of non-private landscaped areas / open space

Delivery and maintenance shall be carried out in accordance with this approved details.

Reason: To ensure the implementation and future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and to ensure that the development complies with the requirements of Policy BY1, LD1, and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 23 All planting, seeding or turf laying in the approved landscaping scheme for each respective phase shall be carried out in the first planting season following the occupation of the building or the completion of the development on that respective phase, whichever is the sooner.

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.



**Reason: To ensure implementation of the landscape scheme approved by Local Planning Authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework**

- 24 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the construction phase and thereafter for 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars.**

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

## **INFORMATIVES**

**The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)**

**The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.**

**It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.**

**This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel: 01432 261800), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority. A minimum of 4 weeks notification will be required (or 3 months if a road closure is involved).**

**Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**

**This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

**Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**

**No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**

**The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.**

**Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**

**The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.**

**This permission does not authorise the resiting of any street lighting columns or illuminated road traffic signs affected by the proposed development. The applicant should contact Balfour Beatty (Managing Agent for Herefordshire Council) Highway Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT (Tel: 01432 261800) for the necessary approval. Precise details of all works within the public highway must be agreed with Herefordshire Council's Highway Service.**

**The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design**

issued by the Highway Authority and their design shall include any necessary amendments to the existing system.

The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which allows the Highway Authority to recover additional costs of road maintenance due to damage by extraordinary traffic.

Any work involving the removal or disturbance of ground or structures supporting or abutting the publicly maintained highway should be carried out in accordance with details to be submitted to and approved in writing by the Highway Authority or their agent. Please contact Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800).

In connection with Condition [H30][H31] the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ

In connection with Condition X, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ

The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

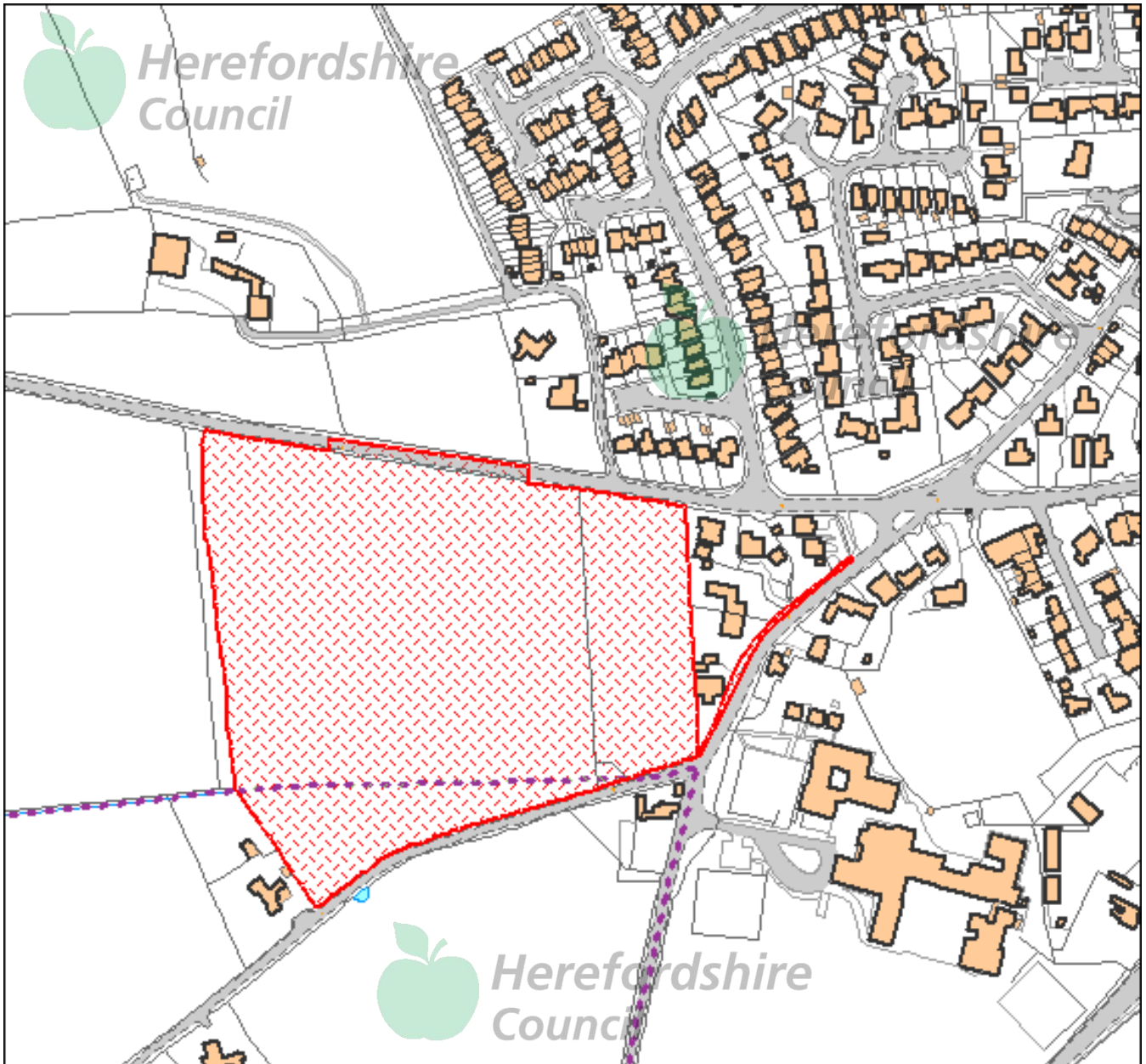
Decision: .....

Notes: .....

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**Background Papers**

None identified.



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**APPLICATION NO:** 190111

**SITE ADDRESS :** LAND AT FLAGGONERS GREEN, SOUTH OF THE A44, WEST OF PANNIERS LANE, EAST OF CHANCTONBURY AND NORTH OF PENCOMBE LANE, BROMYARD, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 OCTOBER 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>223248 - PROPOSED DEMOLITION OF EXISTING BUILDINGS ON SITE AND ERECTION OF RETIREMENT LIVING APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING, ANCILLARY FACILITIES, AND ASSOCIATED WORKS. AT BUILDING AND CURTILAGE OF GREENACRES BUNGALOW, AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY.</b></p> <p><b>For: Ms Gallagher per Miss Rachel Clare, Ross House, Binley Business Park, Harry Weston Road, Coventry, CV3 2TR</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223248&amp;search-term=223248">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223248&amp;search-term=223248</a>
<b>Reason Application submitted to Committee – Cllr Harvey Re-direction</b>	

**Date Received: 27 September 2022    Ward: Ledbury North    Grid Ref: 370828,238262**  
**Councillor Liz Harvey**

**Expiry Date: 27 October 2023**  
 Local Members: Cllr Liz Harvey

## **1. Site Description and Proposal**

- 1.1 This application seeks full planning permission for the proposed demolition of existing buildings and erection of retirement living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works.
- 1.2 The application relates to a parcel of land and existing residential bungalow which is located on The Homend. The site measures a total of 1ha and comprises an irregularly shaped parcel of land, approximately 0.2 miles north of Ledbury Town Centre.
- 1.3 The existing bungalow forms which forms part of the application site, would be demolished to gain access to the site as part of the application proposals.
- 1.4 In terms of immediate context, a section of the site fronts onto The Homend (the existing bungalow), with the remainder of the site positioned behind existing residential dwellings fronting The Homend. To the north and west of the site are residential properties in Newbury Park and Robinson's Meadow. A public footpath is positioned immediately south of the site and the Tesco Superstore.
- 1.5 The site is heavily screened by dense foliage and trees along the majority of its perimeter. It also lies behind existing properties fronting onto The Homend. The topography of the site is such that

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

it falls significantly from the east and then south east to the north west (total fall of 12.5 metres). As a result of the levels within the site, it is positioned at a lower level to The Homend.

- 1.6 The application seeks full planning permission for a total of 53 residential apartments. The mix of properties comprise 30 1 x bedroom apartments and 23 2 x bedroom apartments. The accommodation also includes a range of communal facilities including:
- Residents lounge;
  - Guests suite for use by friends and families of residents;
  - Landscaped gardens with seating areas;
  - Outdoor roof terrace with seating;
  - Internal refuse storage room – to enable residents to dispose of waste without leaving the building;
  - Battery car charging store which can charge and store large mobility scooters;
  - Internal lift;
  - Lifts and corridors designed to facilitate the width of scooters;
  - Secure entrance lobby;
  - House Manager's office.
- 1.7 The application is submitted on behalf of Mc Carthy Stone, a company which is an established specialist provider in the design, construction and management of retirement living accommodation.
- 1.8 The proposals include employment of a small number of staff to support the site (approximately 5 full time equivalent). There is a basic service charge for residents which includes domestic assistance for each apartment.
- 1.9 Vehicular access to the development is proposed via The Homend. This would be facilitated through the demolition of an existing residential bungalow known as 'Greenacres'. An internal private access road is proposed within the site. A total of 40 car parking spaces are provided to include disabled parking provision and EV charging points.
- 1.10 The development has been the subject of a formal pre-application (Ref: 221951/CE). Prior to submission of this full planning application, the applicant undertook public consultation with Ledbury Town Council and local residents.
- 1.11 The design approach for the development has evolved significantly, both in terms of what was submitted at pre-application stage and during the course of this full planning application.
- 1.12 The full planning application, as originally submitted comprised a 'mock tudor' building design with a greater footprint and scale. Extracts of the Superseded Proposed Front and Rear Elevations are included below for context:



Entrance Elevation – **Superseded** Drawing No. MI-2822-03-AC-2000 Rev D







Rear Elevation - Drawing No. MI-2822-03-AC-2002

- 1.14 The building design comprises pitched roofs, with projecting gables. The architectural approach is a contemporary one which encompasses some traditional architectural detailing. The primary length of the building is proposed to provide an active frontage as the site is approached from The Homend.
- 1.15 In terms of materials, red brick is the dominant material, with render also incorporated within the proposals. Windows are proposed to be grey, dark brown roof tiles and wood effect feature frame detail.
- 1.16 Below is a list of the documentation which has been submitted in connection with the application and is relevant to the current application proposals:
- Full Planning Application Form;
  - Location Plan (Ref: MI-2822-02-AC-0000);
  - Tree Constraints Plan (Ref: 1571-KC-XX-YTREE-TCP01Rev0);
  - Land Survey and Underground Services (Ref: 21748A/1);
  - Amended Site Plan (Ref: MI-2822-03-AC-0001);
  - Amended Boundary Treatments (Ref: MI-2822-03-AC-0002);
  - Amended Lower Ground (Ref: MI-2822-03-AC-1000-E);
  - Amended Ground Floor Plan (Ref: MI-2822-03-AC-1001-F);
  - Amended First Floor Plan (Ref: MI-2822-03-AC-1002-E);
  - Amended Second Floor Plan (Ref: MI-2822-03-AC-1003-E);
  - Amended Roof Plan (Ref: MI-2822-03-AC-1004-C);
  - Amended Entrance Elevation (Ref: MI-2822-03-AC-2001-D);
  - Amended North Elevation (Ref: MI-2822-03-AC-2003-B);
  - Amended South Elevation (Ref: MI-2822-03-AC-2004-C);
  - Amended Levels Strategy (Ref: MI-2822-03-DE-100 Rev B);
  - Amended Impermeable Area (Ref: MI-2822-03-DE-103)
  - Amended Landscape Layout (Ref: MI-2822-03-LA-4195-101I);
  - Amended Planting Plan (Ref: MI-2822-03-LA-4195-201H)
  - Amended Street Elevations (Ref: MI-2822-03-AC-2000-C);
  - Amended Tree Protection Plan (Ref: 1571-KC-XX-YTREE-TPP01RevB);
  - Amended Visually Verified Images;
  - Tree Survey and Impact Assessment;
  - Energy and Sustainability Statement;
  - Climate Change Measures Compliance Checklist;
  - Flood Risk Assessment;
  - Heritage Assessment;
  - Statement of Community Involvement ;



- Transport Statement;
- Drainage Statement;
- Drainage Soakaway Assessment;
- Planning Statement;
- Ledbury Housing Need Assessment;
- Noise Report;
- Land Contamination Site Appraisal;
- Design and Access Statement;
- Ecology Appraisal and Surveys;
- Biodiversity Metric Assessment;
- NDP Conformity Response;
- Planning Obligations Letter;
- Full Viability Report (Confidential);
- Viability Executive Summary;
- Covering Letter.

## 2. Policies

### 2.1 Herefordshire Local Plan – Core Strategy

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
LB1	–	Development in Ledbury
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
E1	–	Employment Provision
LD1	–	Landscape and Townscape;
LD2	–	Biodiversity and Geodiversity
LD3	–	Green Infrastructure
LD4	–	Historic environment and heritage assets
SD1	–	Sustainable Design and Energy Efficiency
SD3	–	Sustainable Water Management and Water Resources
ID1	–	Infrastructure Delivery

### 2.2 Ledbury Neighbourhood Development Plan

The Ledbury Neighbourhood Plan has recently been reviewed. The reviewed plan for Ledbury was made on 13 June 2023 and now forms part of the Development Plan for Herefordshire.

Policy SD1.1	–	Ledbury as a Self-Sustaining Community
Policy SD1.2	–	Settlement Boundary
Policy SD1.3	–	Sustainable Design
Policy HO2.1	–	Reinforcing Balanced Housing Communities
Policy HO2.2	–	Housing Density
Policy HO2.3	–	Design Criteria for Residential Development
Policy HO3.1	–	Housing for the Elderly
Policy BE1.1	–	Design
Policy BE2.1	–	Protecting and Enhancing Heritage Assets

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- Policy NE1.1 – Protecting and Enhancing Biodiversity and Geodiversity
- Policy CL1.1 – Community Services and Facilities
- Policy CL2.1 – Protection of Open and Green Spaces and Playing Fields
- Policy TR1.1 – Footpaths and Cycleways

## 2.3 **National Planning Policy Framework**

- Chapter 2** Achieving sustainable development
- Chapter 4** Decision-making
- Chapter 5** Delivering a sufficient supply of homes
- Chapter 6** Building a strong, competitive economy
- Chapter 8** Promoting health and safe communities
- Chapter 9** Promoting sustainable transport
- Chapter 11** Making effective use of land
- Chapter 12** Achieving well designed places
- Chapter 14** Meeting the challenge of climate change, flooding and coastal change
- Chapter 15** Conserving and enhancing the natural environment
- Chapter 16** Conserving and enhancing the historic environment

## 2.4 **National Planning Practice Guidance**

- 2.5 The Government publishes guidance in respect of various topic areas which can be found using the following link - [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-practice-guidance)
- 2.6 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 3. **Planning History**

- 3.1 **221951/CE:** Pre-application advice for the demolition of existing Green Acres bungalow (to provide access) and erection of 53 Retirement Living apartments for older persons (C3 Use), access, car parking, landscaping and ancillary development.

## 4. **Consultation Summary**

### 4.1 **Statutory Consultations**

### 4.2 **Severn Trent** (*Comments dated 8 November 2022*)

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided

with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

SITE SPECIFIC COMMENTS: having viewed the submitted Drainage Strategy (Drawing: MI2822-03-DE-101 Rev: \*) we wish for the drainage condition above to be applied.

Surface water is shown to be discharged to the nearby watercourse; we would recommend discussing this proposal with the LLFA.

Foul sewage is proposed to be pumped from the site to the public foul sewer. I would recommend the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website:

<https://www.stwater.co.uk/building-and-developing/new-site-developments/developerenquiry/> and follow the application form guidance to begin this process.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician). Kind regards, Asset Protection Team Severn Trent.

#### **Further Severn Trent response received 9 June 2023 – comments same as above**

#### **4.3 Welsh Water (Comments dated 22 November 2022)**

We anticipate this development will require the installation of a new single water connection to serve the new premise. Capacity is available in the water supply system to accommodate the development. The applicant will need to apply to Dwr Cymru Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to our new water connection application guidance notes available on our website.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence.

#### **4.4 Hereford and Worcester Primary Care (Comments dated 7<sup>th</sup> November 2022)**

Full consultation response can be viewed via the following link: [documents \(herefordshire.gov.uk\)](https://documents.herefordshire.gov.uk)

Extract of table setting out the Capital Cost of Primary Healthcare relating to the proposal.

Primary Care Network	Additional Population Growth (53 dwellings) <sup>1</sup>	Floorspace required to meet growth (m <sup>2</sup> ) <sup>2</sup>	Capital required to create additional floor space (£) <sup>3</sup>
East Herefordshire PCNs	72	4.8	11,040

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be £11,040. Payment should be made before the development commences.

4.5 **Internal Council Consultations**

4.6 **Area Engineer (Highways)** *(Comments dated 30 November 2022)*

No objection to the development, the site is sustainably located with easy walking provision to the centre of Ledbury and the train station. The site accommodated more than the required number of parking spaces.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council’s website:

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

Recommendations:

<input type="checkbox"/>	No Highways Objection – No Conditions Required
<input checked="" type="checkbox"/>	No Highways Objection – With Conditions (List Conditions Below)
<input type="checkbox"/>	Additional Information or Amendment Required
<input type="checkbox"/>	Highways Objection (List Reasons Below)

- CAB - Visibility Splays
- CAD - Access gates – 5m
- CAE - Vehicular access construction
- CAI - Parking – single/shared private drives
- CAT - Construction Management Plan
- CB2 - Secure covered cycle parking provision
- CB3 - Travel Plan

- I11 – Mud on highway
- I09 – Private apparatus within the highway
- I45 – Works within the highway
- I47 – Drainage other than via highway system
- I41 – Travel plans
- I35 – Highways Design Guide and Specification

4.7 **Area Engineer (Highways)** *(Comments dated 7 June 2023)*

The proposals are for the construction of a 53 retirement living apartments with associated access, car parking and landscaping.

A previous highways response has indicated no objections to the proposed development. It is understood that there have been no material (from a highways and transportation perspective) alterations to the proposed development since these comments have been made.

The car parking provided is over and above the maximum provision, however this remains less than one space per unit and is considered acceptable given the operational requirements for the site and to ensure that the development does not overspill onto the local highway network.

As such, the local highway authority have no objections to the development proposals subject to the following conditions.

**Recommendation**

<input type="checkbox"/>	No Highways Objection – No Conditions Required
<input checked="" type="checkbox"/>	No Highways Objection – With Conditions (List Conditions Below)
<input type="checkbox"/>	Additional Information or Amendment Required
<input type="checkbox"/>	Highways Objection (List Reasons Below)

- 1) Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 39.5 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2) No access gates/doors shall be provided at the site access / internal access road without the prior written approval of the local planning authority.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 3) The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 4) Prior to the first occupation of the development to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5) Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management Plan

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6) Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle and mobility scooter parking facilities within the curtilage of the property shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle and mobility scooter parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### 4.8 **Building Conservation Officer** (*Comments dated 24 November 2022*)

Further to our site visit on Tuesday 22nd November and consideration of the submitted drawings for the proposed new retirement home at the above site please note my comments.

At the pre-application stage I made a tour of Ledbury with the applicant's heritage advisor for the purpose of demonstrating the character of the historic town which is typified by generally two and some three storey properties which have developed along the street frontage on relatively narrow burgage plots. Although there is a continuous street frontage the range of building materials, orientation of roof forms, set backs, projections and varying heights gives the town its distinctive character.

Whilst there has been some effort to add variety to the elevations I still have very serious concerns over the scale, massing and detail of the proposed development.

In order to respond to the locally distinctive character of Ledbury the monolithic form of the proposal needs to be broken down into substantially smaller elements. Bringing forward the gabled sections would help to break down its scale and massing into smaller elements, providing greater visual interest and would give some logic to the apparently random change in building materials which as presented has been applied almost like wallpaper.

The four storied west elevation is particularly poorly. It has an overwhelming scale with an appearance similar to a series of dockland bonded warehouses and has no parallel in Ledbury. It is questionable if four stories is at all appropriate.

There are more contemporary ways of responding to the historic character of the town than the pastiche use of timber framing – as mentioned above it does not appear to relate specifically to the structural form of the building and a more honest approach for example would be to use areas of render.

The front entrance porch is a very weak focal point of the front façade.

The main approach from The Homend, and the most publicly visible part of the building has an almost blind gable with a section of the ground floor serving as a bin store. I could see no reason why there shouldn't be windows here, nor why there are so few windows and blind windows on the south elevation.

As a slightly separate side issue, with such a large roof form what environmental consideration has there been for solar panels.

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

Please do let me know if you require further comment but I hope this is sufficient constructive criticism at this stage to assist the applicant in addressing the concerns which we all felt about the proposal.

#### 4.9 **Building Conservation Officer** *(Comments dated 1 March 2023)*

In general I consider these latest proposals to be a significant improvement on the initial sketch scheme, and first set of drawings and from a heritage perspective don't have any major objections. There are details which I feel could be improved as follows:

##### Entrance Elevation

I think the mix of render and brick needs to relate to the plan form, so don't mix brick and render on the same horizontal plane.

The entrance would be improved if it stepped forward slightly, and the mix of brick and render to the left of the entrance would be better if it were all brick.

##### South Elevation

I think it is unfortunate that there are no south facing windows into the bedrooms. The bed could just as easily be placed on against the partition wall and I don't see why the partition wall could not pinch a little space from the kitchen/dining/living space which by comparison seems generous.

Not really my remit, but I would prefer the area set aside in the north west corner as a wild area to include a pond – it is after all already quite a boggy area.

#### 4.10 **Landscape** *(Comments dated 23 May 2023)*

Comments:

I welcome the additional information and the changes to the design. There are some improvements and some remaining concerns which will need to be balanced in any planning decision:

##### **Improvements**

- The elevation treatments and materials are more subtle and more in-keeping with the character of Ledbury.
- The Visually Verified Montages demonstrate that there are very limited views into the site.
- The Landscape Layout (dwg no MI-2822-03-LA-4195-101 Rev I) is more legible and would create an attractive setting to the building.
- The detailed Planting Plan (dwg no MI-2822-03-LA-201 Rev H) provides a wide range of species to enhance the site.
- The existing boundary vegetation is mostly retained.

##### **Concerns**

- The scale of the building remains very large. The Street Elevations (dwg no MI-2822-03-AC-2000 Rev C) are welcome and very well presented, however the new building is as large as the nearby supermarket.
- Loss of open space within the built up area of the town.
- The Levels Strategy (dwg no MI-2822-03-DE-100 Rev B) is welcome and very clear but extensive retaining walls are still required which does not work well with the natural character of the site. These are very large engineered features, at some places up to 3m. None of the visuals in the DAS or other supporting information show detail of these.

- The Landscape Layout and Planting Plan do not show the retaining walls as set out on the Levels Strategy – this should be updated. There remains conflict with some tree positions and the long term success of planting in close proximity to hard engineering (in relation to soil volumes, foundations and water availability).
- It is disappointing that the building elevation drawings do not show existing ground level for comparison.
- The Boundary Treatments (dwg no MI-2822-03-AC-0004 Rev A) still shows close board fence required around the whole site boundary, which would visually detract from the retained vegetation and construction work could damage root systems.

The above comments are provided in relation to Core Strategy Policy LD1 on townscape character and landscape schemes and LD3 on green infrastructure.

#### 4.11 **Ecology** (*Comments dated 2 November 2022*)

The supplied preliminary ecological report by Worcestershire Wildlife Consultancy dated June 2022 is noted and refers.

In the main this report appears relevant and appropriate but appears to understate the potential importance of this remaining green oasis in an otherwise intensively developed area of a main Market Town of the county. This understated potential is perhaps of particular importance to local (unassessed) use by local populations of Bats (protected species). The site has potential to provide a core habitat for local foraging and the significant reduction in natural habitats and food sources (insect populations) that this development could create has the potential to affect the maintenance of local bat populations. The LPA has a duty to ensure that all potential effects on protected species populations are fully considered during the planning process – not just physical roosting in the case of bat species.

No optimal period (May to-September/October to allow for habitat supporting mating behaviour) surveys have been undertaken and the LPA has no information on how the proposed loss/change of this local 'natural green space' will impact or affect local Bat populations.

It is noted that actual access to fully inspect the dwelling proposed for demolition to create access to the site has not been possible and so there remains an unassessed potential for the proposed development to directly create the loss of bat roosting. If access to complete a thorough and detailed survey was not possible at least one Optimal Period bat survey (May-August) should have been completed to help, inform the final report and recommendations – if actual evidence of bat roosting or bat roosting behaviour was identified then further optimal surveys would be triggered.

Further detailed bat survey work – including periods of static monitoring of the wider site and a detailed bat survey of the existing dwelling to be demolished are requested to provide a full picture of how the whole proposed development will actually impact local protected species populations is required. Once this additional survey work has been carried out and detailed report supplied the LPA can progress the required detailed consideration of effects on the development on local Protected Species populations.

There is no certainty that the proposed development will not affect or harm local protected species populations. An Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy LD2, (SS1, SS6 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF (2021); NERC Act (2006) obligations and considering the council's declared Climate Change and Ecological Emergency.

A fully detailed plan and specification for biodiversity net gain enhancements the development will deliver – including but not limited to enhancements for bat roosting, bird nesting, hedgehogs



and insect/invertebrates is requested. If not supplied for approval as part of any planning permission granted a relevant pre-construction condition will be requested to secure this detailed plan and specification.

#### 4.12 **Ecology** (*Comments dated July 2023*)

The additional ecology surveys and reports in respect of:

- Reptiles (Middlemarch ref RT-MME-159116-03 dated June 2023)
- Bat Surveys (Middlemarch ref RT-MME-159116-02 dated June 2023)
- Great Crested Newt Survey (Middlemarch ref RT-MME-159116-05 dated June 2023)
- Revised Preliminary Ecology Appraisal (Middlemarch ref RT-MME-159116-01 Ref B dated 30/06/2023)
- Additional information in respect of Badger Surveys has also been received but remains confidential.

These reports hereby collectively referred to as Ecology Information June 2023 are noted and refer.

- These detailed reports confirm that there is no evidence of use of the existing building proposed for demolition by Bat species, although general bat foraging and commuting is known in the wider locality. A relevant precautionary working method is proposed accompanied by habitat enhancements to support future use by bats.
- A small loss of reptile habitat will result from the proposed development, it is not possible to support the identified small population of Slow Worm on the site during the development process and a relevant translocation plan is proposed. The population was already isolated and translocation is likely to result in a wider and better habitat to support the small breeding population; in addition the grounds of the new development once completed will provide further reptile habitat and recolonization will be possible. A relevant Licence will be required from Natural England to support this translocation process.
- The development will not impact or affect any local populations of Badgers.
- No presence of Great Crested Newts has been identified as being associated with the development site.
- Enhancements to support bird nesting are proposed as part of the development.
- Other Habitat and species enhancements are proposed as part of the wider development and associated grounds-landscaping.

The recommendations and proposed mitigation, compensation and biodiversity enhancements as detailed in the suite of Ecology Information dated June 2023 should be secured for implementation in full through condition on any planning permission finally granted. These recommendations include provision of a Construction Environmental Management Plan and a Landscape Environmental (Ecological) Management Plan.

No ecology objection is raised to the proposed development.

#### 4.13 **Tree Officer** (*Comments dated 11 October 2023*)

The amended footprint appears to be less intrusive on retained trees and I can confirm I do not have an objection to the project.

- Trees

I had previously raised concerns for with the proximity of the southern boundary, which comprises of large conifer trees adjacent to a garden/seating area. The amended drawing places the building further away by approx. 5m, which should result in the trees appearing less domineering. I would however recommend this line of trees are reduced in height.

To facilitate the access an area of trees shall be removed. The Tree Report identifies them as category C, having low quality and a life expectancy of no more than 10 years. The site lies outside of the Conservation Area and no trees are currently protected by a Tree Preservation Order. Viewing from outside the site; with the retention of boundary green infrastructure and the specimen trees outside the red line, but within the property curtilage, the arboreal and public amenity value will largely remain unchanged.

- Planting scheme

The proposed new planting is acceptable. The retained larger species will still be the dominate features but the addition of small and medium sized trees will and context and are suitable for the nature of the site.

- Drainage

The drainage avoids conflicts within the main site. A tree on the small green space at Robinsons Meadow, is affected but in my opinion is any root severance shouldn't be detrimental.

In conclusion I don't not have an objection to the proposed works and from an arboreal perspective the proposals are compliant with Local Plan policies LD1 & LD3.

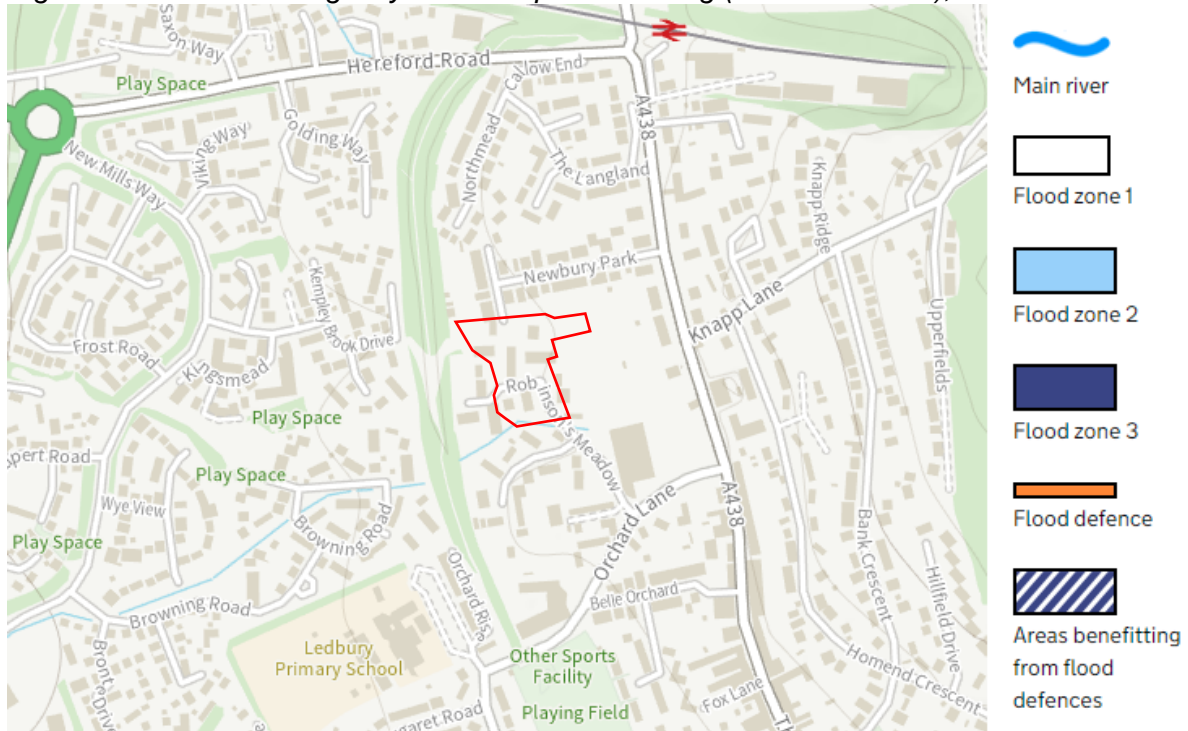
4.14 **Land Drainage (LLFA)** (*Comments dated 27 January 2023*)

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Location Plan (Ref: MI-2822-02-AC-0000 A);
- Site Plan (Ref: MI-2822-03-AC-0001 I);
- Drainage Strategy (Ref: MI-2822-03-DE-101);
- Levels Strategy (Ref : MI-2822-03-DE-100);
- Planning Statement;
- Covering Statement;
- Phase I Site Appraisal;
- Phase II Site Appraisal;
- Planning Obligations Letter;
- Flood Risk Assessment;
- Drainage Statement.

**Site Location**

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2022



### **Overview of the Proposal**

The Applicant proposes the demolition of an existing bungalow and the construction of 53 Retirement Living apartments (32 x 1-bed and 21 x 2-bed). The site covers an area of approx. 1.004ha and is currently greenfield. An ordinary watercourse flows approx. 60m to the southwest of the site. The topography of the site slopes down from east to west by approx. 10m.

### **Flood Risk**

#### ***Fluvial Flood Risk***

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

As the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application will need to be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding*

The FRA prepared to support the planning application should include an assessment of risk associated with all sources of flooding, in accordance with the NPPF. This should include considerations of surface water, groundwater, sewers, reservoirs and any other manmade

sources. The management of the additional surface water runoff generated by the proposed development should also be considered.

### **Surface Water Flood Risk**

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not at risk of surface water flooding, however there are two low risk surface water flow routes across the site. Runoff in these areas should be considered within the design of the development.

Figure 2: EA Surface Water Flood Risk Mapping, June 2022



### **Other Considerations**

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### **Surface Water Drainage**

Infiltration testing has not yet been undertaken onsite. This must be conducted in accordance with BRE 365 to determine whether a surface water discharge to ground is viable. Alternative onsite ground investigations have taken place whereby excavations up to 4mBGL have been conducted. No groundwater was encountered in any of the holes except on one occasion where groundwater was found at 1.5mBGL.

We understand that the current surface water drainage proposals involve an attenuated and restricted offsite discharge to a watercourse located to the southwest of the site. The proposed outfall is within the site boundary. Should a discharge to ground be proven unviable, this is an acceptable proposal in principle.

The surface water from the proposed building will be attenuated in a cellular storage tank which has been sized for a 1 in 100yr + 40% CC event. The proposed volume of 197m<sup>3</sup> will be adequate given that the required volume was found to be 190.1m<sup>3</sup>. A hydrobrake is proposed to limit the offsite surface water discharge to 2l/s via a 67mm diameter orifice. An orifice larger than 70mm

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

is favourable to mitigate the risk of blockage so this should be considered within the design of the system.

We also note proposals for the parking area to be constructed from tanked permeable paving which will reduce any potential surface water runoff from the site. The water collected in the tanked permeable paving will be directed towards the cellular storage tank and will ultimately discharge to the watercourse via the hydrobrake.

For the main site access road/driveway, we assume this is to be constructed of impermeable materials given that numerous road gullies are proposed along its length. The gullies are proposed to drain into the main surface water drainage system including the cellular tank.

We note that the system (attenuation tank) is sized for an impermeable area of 0.3ha. However, the roof area of the proposed building and total area of impermeable surfaces is unclear. These must be clarified to ensure the surface water drainage system has been designed appropriately.

The maintenance arrangements for the surface water drainage strategy have been clarified.

### **Foul Water Drainage**

We note proposals for the foul water to discharge to the Severn Trent public foul sewer located to the east of the site in The Homend. Severn Trent have confirmed they have no objection to the proposed connection. We understand that a pumping station with associated rising main will be required to achieve this discharge. Pumped discharges are not favourable, however we note that the infrastructure would have to be constructed to adoptable standards with 24 hours of additional storage.

The pumping station presents a risk of foul flooding and so should be eliminated from the design if possible.

We are aware of another public foul sewer located to the southwest of the site (in Robinson's Meadow) whereby a gravity fed discharge may be achievable. This potential connection point must be investigated and prioritised over the pumped solution.

We note the proposals for 53 apartments. If these apartments are sold in the future, then the future owners would need to pay sewerage charges to Severn Trent Water. In such a case the foul drains serving the apartments should become public assets. The foul drainage strategy needs to consider the future scenario when assets managed by a private management company need to be transferred to Severn Trent Water. Any proposals for a Sewage Pumping Station would need to meet the approval of Severn Trent in case ownership of the pumping station is transferred to Severn Trent in the future.

Owing to the size of the development according to Sewers for Adoption, a Type 3 station would be required. This would need to be located at least 15m from habitable buildings. The drainage layout shows the pumping station too close to buildings and so the proposals will need to be reconsidered. Vehicular access for tankers would also be required in case the pumps fail.

### **Overall Comment**

We recommend that the following information is provided prior to the Council granting planning permission:

- Confirmation of the areas of the building roof and impermeable surfaces.

- Clarification of whether a gravity fed connection to the public foul sewer is possible, noting our comments on the proposals for a pumping station.

#### 4.15 Land Drainage (LLFA) (Comments dated 4 July 2023)

Full consultation response can be viewed via the following link –

[Planning Search – Herefordshire Council](#)

Our knowledge of the development proposals has been obtained from the following additional sources provided since our previous formal consultation response provided in January 2023:

- AMENDED Site Plan – April 2023 (Ref: MI-2822-03-AC-0001 Rev K);
- AMENDED Levels Strategy – April 2023 (Ref: MI-2822-03-DE-100 Rev B);
- AMENDED Drainage Strategy – June 2023 (Ref: MI-2822-03-DE-101 Rev C);
- AMENDED Impermeable Area – April 2023 (Ref: MI-2822-03-DE-103);
- AMENDED Drainage Statement – April 2023 (Fourth Issue);
- AMENDED Flood Risk Assessment – April 2023 (Ref: A01-C05);
- ADDITIONAL Drainage Officer Response Letter – April 2023;
- ADDITIONAL Drainage – Soakaway Assessment – April 2023;
- AMENDED Design and Access Statement – April 2023.

### **Site Location**

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2022



### **Overview of the Proposal**

The Applicant proposes the demolition of an existing bungalow and the construction of 53 Retirement Living apartments (32 x 1-bed and 21 x 2-bed). The site covers an area of approx. 1.004ha and is currently greenfield. An ordinary watercourse flows approx. 60m to the southwest of the site. The topography of the site slopes down from east to west by approx. 10m.

### **Flood Risk**

#### ***Fluvial Flood Risk***

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

As the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment



(FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

The Flood Risk Assessment confirms that the site is wholly located within Flood Zone 1 and there are no records of historic flooding.

### Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not at risk of surface water flooding, however there is a low-risk surface water flow route across the northern site area. A second low to medium-risk surface water flow route is found along the southern site boundary; this does not enter the site area.

Figure 2: EA Surface Water Flood Risk Mapping, June 2022



The Flood Risk Assessment addresses the surface water flood risk posed to the site. We understand that no development will take place in the majority of the area identified as a low-risk flow route across the northern area of the site; this will remain as open green space. The overland flow route appears to cross the site entrance. It is stated that the ground levels around this existing overland flow route and along the access/egress route will not be raised above the

existing ground levels. The overland flow route is to be retained as part of the proposed site layout to ensure the flood risk is not diverted to other areas of the site or additional third parties. Should the ground levels at the site entrance require raising, we note proposals for short sections of culvert to be used below the site access road to allow the overland flow route to remain as existing.

To provide additional mitigation to the potential surface water flood risk onsite, we note proposals for the Finished Floor Levels of the proposed development to be raised 150mm above existing ground levels. This is adequate.

### ***Other Considerations***

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### **Surface Water Drainage**

Ground investigations have been undertaken at the site whereby 8 trial holes were excavated to 2.2mBGL across the site and a further 5 boreholes were excavated to 4mBGL. From these, it was determined that the site is underlain by stiff clay and mudstone which have a very low permeability. We also note the failure of infiltration testing undertaken at neighbouring sites within close proximity to the proposed development. As some onsite ground investigations have been undertaken, and the proven low permeability of the surrounding area, we will accept that a surface water discharge to ground is highly unlikely to be viable.

We note proposals for an attenuated and restricted offsite discharge to a watercourse located to the southwest of the site. The proposed outfall is within the site boundary. An easement will be required for the construction of the headwall as this is on Herefordshire Council land.

The proposed development will contribute an overall impermeable area of 3201m<sup>2</sup>. The surface water from the proposed building will be attenuated in a cellular storage tank which has been sized for a 1 in 100yr + 40% CC event. The proposed volume of 197m<sup>3</sup> will be adequate given that the required volume was found to be 194.8m<sup>3</sup>. A 75mm hydrobrake is proposed to limit the offsite surface water discharge to 2.5l/s. The proposed system is gravity fed throughout, as required.

We also note proposals for the parking area to be constructed from tanked permeable paving which will reduce any potential surface water runoff from the site. The water collected in the tanked permeable paving will be directed towards the cellular storage tank and will ultimately discharge to the watercourse via the 75mm hydrobrake.

For the main site access road/driveway, we assume this is to be constructed of impermeable materials given that numerous road gullies are proposed along its length. The gullies are proposed to drain into the main surface water drainage system including the cellular tank. This area has been accounted for within the impermeable site area and therefore accommodated within the surface water drainage system design.

We understand that the maintenance and management of the surface water drainage system will be undertaken by McCarthy Stone Management Services even when the development is completed and occupied.

### **Foul Water Drainage.**

We note proposals for the foul water to discharge to the Severn Trent public foul sewer located to the east of the site in The Homend. Severn Trent have confirmed they have no objection to

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139



the proposed connection. We understand that a pumping station with associated rising main will be required to achieve this discharge.

As previously advised, pumped discharges are not favourable. The Applicant has exhausted all options regarding accommodating a gravity fed discharge to the public foul sewer located in Robinson's Meadow to the southwest of the site. However, we understand that there is a strip of third-party owned land between the southern site boundary and PROW which a new foul sewer would have to cross to achieve a gravity fed discharge. For this reason, we accept that this is not possible and therefore would accept a pumped system on this occasion.

In order to mitigate the potential risk of pump failure causing foul water flooding on the site, we note commitments for the pump to be constructed with 24 hours storage, a backup pump and an alarm system.

As detailed above, McCarthy Stone Management Services will maintain the entire foul water drainage system including the pump and rising main.

Owing to the size of the development according to Sewers for Adoption, a Type 3 station would be required. It is stated that a Dual Pump Package Pumping Station will be installed; the specialist detailed design has not yet been agreed. At Discharge of Condition stage, we will require further details regarding the proposed pump. Evidence that the following information has been considered will be required at DOC stage:

- Confirmation of the proposed service interval for the pumping station.
- A warning system will need to be designed so that the operatives are called to site when the water level in the wet well reaches a specified level. Details of the monitoring system that is proposed for the pumping station will need to be provided. We will need to understand how failure of the pumping station will be communicated to the service engineer. On other sites, an internet-based product has been used to help facilitate emergency maintenance. We request such product details and literature.
- The applicant is requested to provide a specification for a wireless system that will be used to report failures, water high levels or power trips. We request provision of this information including technical product details
- The applicant will need to present details of a contractor who can attend site to maintain the pump on any day of the year, including Bank Holidays. If this is not possible then extra storage may be required.
- Provision of a full drawing showing where the required storage will be provided.
- The pumping station is controlled by float switches. It is common practice for the High-Level Alarm to be higher than the highest float switch. The Applicant should clarify the levels of the following:
  - High Level Alarm (sends alarm to maintenance company)
  - Outlet pipe from Package Treatment Plant into pumping station
  - Cover Level of Pumping Station

It has been confirmed that the pumping station will be sited at least 15m from habitable buildings, as required. We understand that there is vehicular access to reach the pumping station for maintenance purposes and for access in the event of pump failure.

### **Overall Comment**

In principle we hold no objection to the proposed development. Should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Evidence that the required easement for the headwall construction in the watercourse for the surface water discharge has been obtained as this is a Herefordshire Council asset.
- Clarification of further details regarding the proposed foul water pumping station in line with the above advice.

4.16 **Public Right of Way** (*Comments dated 3 November 2022*)

No objection.

4.17 **Public Right of Way** (*Comments dated 17 May 2023*)

No objection.

4.18 **Waste** (*Comments dated 17 October 2022*)

The area is accessed currently by a 26 tonne refuse collection vehicle (RCV). In order for the RCV to travel the private road it would need to meet the specification for adoptable roads as specified in “Highways Design Guide for New Developments” and “Highways Specification for New Developments”. A risk assessment would also need to be passed.

Alternatively, a suitable site needs to be identified for the placement of all bins on collection day, in accordance with ‘Guidance Notes for storage and collection of domestic refuse and recycling’. A hard standing to one side of the entrance to the development would benefit the positioning of bins on collection day.

If road is accessible then collections can take place from the proposed bin store provided – The path width from the bin store to where the collection vehicle would likely park (thought to be adjacent to the bin store in the development car park, marked with red cross) should be at least 1500mm in width

A sufficient dropped curb should be present in this area to allow for the safe manoeuvring of large bulk bins (suggested location highlighted in yellow)



4.19 **Minerals and Waste Officer** (*Comments dated 3 October 2023*)

Thank you for consulting me on the above application. I can confirm that the site does not raise any issues with regards to the safeguarding of minerals. However, the proposal involves the construction of a significant major development and therefore will generate significant volumes of construction materials. As such the emerging policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed.

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

## Resource Management

In 2018 the Department for Environment Food and Rural Affairs identified that the construction industry accounted for 62% of the UK's total waste, making it the largest single source of waste arising in England. Central to government objectives for waste management is to avoid waste going for landfill, with as much recycled where possible. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

The planning system has a role to play encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The use of materials and waste resources will be directed to contribute positively to addressing climate change.

In accordance with emerging policy SP1 of the Minerals and Waste Local Plan if the application is approved the applicant will be required to produce a Resource Audit to set out end of life considerations for the materials used in the proposed development. This can be dealt with via the following condition;

*Prior to any development commencing on site the applicant shall submit a Resource Audit to identify the approach to materials. The Resource Audit shall include the following;*

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

*Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.*

*Reason: The treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

### 4.20 **Open Spaces Planning Officer** (Comments dated February 2023)

#### Open Space Requirements.

Relevant Policies: In this instance the following national and local planning policies for the provision of open space arising from this development are relevant.

National Planning Policy Framework (NPPF):

- Paragraph 98: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

- Paragraph 99: Open Space and Recreation: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

#### Core Strategy (CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space needs
- OS3: Loss of Open Space
- LD3: Green Infrastructure

#### Loss of Green Space

Since providing pre-application comments Ledbury NDP Review Reg 16 has been produced - 27 September 2022. Reg 16 plans can be afforded some weight and as such Policy CL2.1 Protection of Open and Green Spaces and Playing Fields, should be considered in relation to this proposal.

Policy CL2.1 seeks to protect important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury and in accordance with Herefordshire Local Plan Core Strategy policies OS3 and LD3 (or any successor policies) and as shown on Ledbury Town Policies Map (11) which includes the proposed site. The site is known locally as Robinsons Meadow and is not publically accessible. It falls within Local Strategic Corridor 1 (LedLSC1) one of the green corridors detailed in Appendix 2 of the Ledbury NDP. As such CL2.1 policy affords Robinsons Meadow protection from development as it considered to be an important green space when judged against the following criteria:

- It provides wildlife corridors or stepping-stones within built up areas.
- It contributes in other important ways to the objectives for green infrastructure set out in Appendix 2 of the Ledbury NDP: These include
  - Retention of the level of green infrastructure including in association with open spaces that lie within or just outside the corridor.
  - Seeking the replacement of and green space lost to at least equal wildlife and residential amenity value.
  - Reinstatement of the protection offered to areas of green space that was shown as such in the former Herefordshire UDP which included this site.

At reg 16 the policy can only be afforded some weight but none-the-less, both CS Policy OS3 which seeks to resist development that would result in the loss of open space that would result in the “thinning out”, fragmentation or isolation of a site which is part of a green infrastructure corridor and CS Policy LD3 which requires development proposals to protect existing green infrastructure should be considered. The proposal will result in the loss of an important green space which forms part of a wider green infrastructure network as demonstrated above and no replacement is proposed.

#### On site open space:

Notwithstanding my comments above, the proposed development of a residential care home will require on-site accessible open space for use by the residents but there are no set standards. In accordance with Core Strategy Policy OS1 there is a requirement for residential institutions such as care homes, to provide on-site amenity green space, but this should be according to the needs of residents using the accommodation. Ledbury Neighbourhood Plan Policy HO3.1 does not specify that the open space requirements arising from this type of residential development.

The Landscape Layout Plan drawing no. MI-2822-03-LA-4195-101F shows areas of proposed open spaces in detail. This includes a variety of landscaped areas to include ornamental planting, trees, grassed areas, and planters as well as retaining existing trees and hedgerow. It is noted that seating areas are proposed in the courtyard and a circular seating area to the front of the building as focal meeting points. My only comment would be more seating and wheelchair friendly pathways could be provided within the boundary landscaped areas to encourage more use of these areas by the residents.

**4.21 Housing Development Officer** (*Comments dated 22 November 2022*)

Thank you for allowing me the opportunity to comment on the above planning application. I would advise that the delivery of 53 units will contribute to Policy SS2 of the CS – Delivering new homes. The current and emerging neighbourhood development plan supports the delivery of housing for the elderly and the proposed mix of 1 and 2 bed units will go towards meeting that need.

However, I am unable to fully support the scheme as it is not fully policy compliant as the current proposals do not provide 40% affordable homes.

The applicant would need to provide 21 units for affordable housing and this should be as affordable homeownership by way of discounted and low cost market. I would look for a mix of 1 and 2 bed units.

I understand the applicant has submitted a viability assessment, but until the process is finalised and independent confirmation has been received that it is not viable to provide affordable housing on site, I am unable to remove my objection.

**4.22 Housing Development Officer** (*Comments dated 30 May 2023*)

My comments remain unchanged as per my memo dated 22<sup>nd</sup> November 2022

**4.23 Environmental Health Officer – Contaminated Land** (*Comments dated 25 January 2023*)

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

"Phase 2 Site Appraisal, The Homend Ledbury." Prepared by Patrick Parsons, Ref:B20311- THL-PPC-00-XX-RP-G-0002-Rev02. 04-01-2[3] (typo on report date).

Although largely acceptable and considered free from significant contamination, the report has identified a minor elevated concentration of lead at the site. This area has not been accurately delineated to date, which is recognised in various sections of the report. Whilst no remediation is recommended this conclusion is based on an assumption that the extent of lead either lies within an area of hardstanding or would be recognised during works on site.

In our view, an addendum to the site investigation would be a more precautionary and appropriate approach to delineating the area of impacted soils. This addendum would also offer the opportunity to more fully assess the part of the development site in the north west at Greenacres. Whilst it is accepted the current use is residential and of low risk for what's proposed, quantitative assessment of ground conditions here would be useful in addressing this minor uncertainty.

With the above in mind, I'd recommend the condition below be appended to any approval with an understanding Part 1 has been largely satisfied other than the above.

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework. 2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

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

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

#### 4.24 **Environmental Health Officer – Noise and Nuisance** (*Comments dated 20 April 2023*)

My comments are from a noise nuisance perspective. Due to the location of the proposed site, I request that the following conditions are added to any permissions granted:

The applicant should provide a Construction Management Plan prior to the commencement of works. This Plan should be agreed by the Local Planning Authority. This shall include proposed hours of working\* and deliveries to site, noise and dust control and a communications strategy with local residents.

\*Activities that are likely to affect residents will normally be subjected to working hours restrictions. Permitted hours for site work will normally therefore be the following:

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working permitted on Sundays or Bank Holidays.

This planning application is supported by a noise report which recommends the use of acoustic glazing to habitable rooms to reduce the noise impact to acceptable levels, and the provision of acoustic fencing along parts of the southern and eastern boundary. The mitigation scheme

recommended in the noise report accompanying the application must be implemented to protect future occupants. Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

## 5. Representations

### 5.1 Ledbury Town Council (*Comments dated 14 November 2022*)

Ledbury Town Council has provided several consultation responses in respect of the application (14 November 2022, 12 January 2023 and 8 June 2023). The reports can be viewed via the following link ([Planning Search – Herefordshire Council](#)), but the concerns raised can be summarised as follows:

- Object to the proposal;
- Recognise NDP identifies a need for local, affordable housing and in particular, housing for the elderly will be supported but this is on the proviso complies with other policies;
- Negative ecological impact including biodiversity impact and loss of green space;
- The site is designated green space – part of green infrastructure corridor in the recently reviewed NDP;
- Map on Page 52 and the yellow circle shows the location of the proposed development among the designated green spaces.
- Map 6 on Page 54 of the NDP shows the location of Local Strategic Corridor 1 (LedLSC1) and the proposed development lying within it;
- Appendix 2 sets out the objectives for this corridor;
- Community has a clear and overwhelming desire to protect the existing wildlife habitats and level of green space in the town;
- Policy CL2.1 Protection of Open and Green Spaces and Playing Fields – Map 11 of NDP. Policy states - Important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury, or any existing playing fields shown on the Ledbury Town Policies Map (Map 11) will be protected in accordance with Herefordshire Local Plan Core Strategy policies OS3 and LD3.
- LTC comments highlight typical reasons to include sites like that proposed:
  - It represents a historic element within the origins or development of the settlement or area.
  - It provides wildlife corridors or stepping-stones within built up areas.
  - It contributes in other important ways to the objectives for green infrastructure
- LTC consider that due to the mass and scale of the building, it is in contravention of the above;
- Such spaces will be afforded protection whether or not there is public access to them;
- Failure to maintain, enhance and increase existing open spaces, trees and hedgerows in order to promote and support wildlife and biodiversity;
- Proposal does not comply with Policy NE1.1 and LD2 – no evidence of biodiversity net gain;
- Failure to comply with NDP design policies and local distinctiveness – including Mass, scale and height of the building – BE1.1 Design and SD1.3. Not sympathetic to local style;
- Contrary to SS6 – Environmental quality and local distinctiveness;
- Potential traffic and access issues including Knapp Lane junction and parking on the Homend – Policies MT1, TR1.1 and TR1.2;
- Exceeds housing density policy HO2.2 and not policy compliant on building height.
- Developer failed to take up the opportunities available after the August 2022 meeting;
- A scaled down proposal that meets NDP criteria, that is more creative in terms of mitigating habitat loss and can demonstrate significant greater biodiversity net gain, which addresses access concerns is much more likely to receive a favourable reception;



- As it stands, LTC find the proposal unacceptable on all the grounds outlined in their response.

## 5.2 **Ledbury Area Cycle Forum** (*Comments undated*)

Full comments can be viewed via the following link ([Planning Search – Herefordshire Council](#)). In summary an objection is raised to the proposed development, concerns raised can be summarised as follows:

- Principal objection is road safety – this stretch of the Homend already unacceptably congested and difficult for cycles to negotiate;
- Access to the development, so close to the chaos of the Knapp Lane junction will exacerbate the conflict on this approach to the station and will serve to discourage inexperienced and less confident cyclists from sustainable travel choices;
- Additional objection is inadequate cycle storage and parking at the development. As well as the less mobile, the ‘Retirement Living’ units will appeal to those active elderly seeking to downsize from high-upkeep homes to gain more free time. Those who enjoy regular cycling often continue well into their 80s, especially with the advent of e-bikes. Indeed, it is highly likely that all cycle ownership at the development will be high-value ebikes that need a fully secure storage space. The provision of only two cycle storage spaces for 53 units is wholly inadequate. This storage area is to be shared with 7 mobility buggies. This buggy space is also wholly inadequate provision for 53 units. Without better storage for cycles and buggies, residents will be deprived of sustainable travel choices. In addition, there is no provision for cycle parking for visitors: relatives, friends and service staff (cleaners, carers etc).
- National and local planning policies listed below, seek to encourage active travel. The development proposals contravene the following:
  - National Planning Policy Framework 2019: promoting sustainable transport
  - Herefordshire Core Strategy: SS4 – developments ‘to be designed and located to minimise the impacts on the transport network....and to ensure that the efficient and safe operation of the transport network are not detrimentally impacted.’ Herefordshire Council to safeguard .....cycle links to transport hubs.
  - MT1- the promotion of highway safety and active travel, and the provision of sufficient cycle storage at new developments.
  - SD1: the provision of sufficient cycle storage.
  - Herefordshire Council’s Climate Emergency policy
  - Herefordshire Council’s Carbon Reduction Strategy
  - Department for Transport ‘Gear Change – a bold vision for cycling and walking’ that states that cycling should become the transport of choice for local journeys.
  - D f T Local Transport Note 1/20
  - The Highway Code 2022 The encouragement of sustainable travel choices is key to compliance with the above

## 5.3 **Footpath Secretary Leadon Vale Group, Ramblers Association** (*Comments dated 19 November 2022*)

No objection

## 5.4 **Public Representations:** Public consultation responses can be viewed on the Council’s website by using the following link:-

[Planning Search – Herefordshire Council](#)



5.5 3 formal consultation periods have taken place in respect of the application. A total of 23 objections have been received, 4 comments in support and 2 which are considered non-committal.

5.6 Concerns raised can be summarised as follows:

- Proposed access arrangements, highway safety, existing issues on this part of the Homend and Knapp Lane junction;
- Pedestrian safety;
- Lack of parking provision, underestimation as to what is required. Displaced parking as a result of the proposed development on surrounding roads and existing parking displacement issues associated with train station and impact of those parked cars on The Homend;
- Scale, design and mass of the building – design lacks character and does not fit with area;
- Overdevelopment and density;
- No attempt to reduce/justify the scale;
- Increase in noise and disturbance, loss of privacy, increase in overlooking including impacts from proposed balconies;
- Effect on character of the area and listed buildings;
- Loss of open and green space – one of the few remaining spaces in Ledbury;
- Biodiversity impacts of the proposal, impacts on wildlife;
- Removal of trees, hedgerow removal;
- Pond on site not shown on drawings;
- Width of corridors within the building;
- Site design, extensive retaining walls;
- Acknowledgement of improvement in revised scheme – roof line improved and less monolithic;
- Construction impacts;
- Impact on local services, lack of affordable housing and community support;
- Environmental impacts;
- Minimal impact from the Homend but not from Robinson's Meadow or Newbury Park;
- Impact on privacy, particularly in winter months.

5.7 Comments in support can be summarised as follows:

- Ledbury has a large elderly population and there is little dedicated housing;
- Could release much needed additional housing to younger population;
- Brownfield site;
- Ideal location within few minutes walk of shops, train stations, bus stops.

## 6. Officer's Appraisal

### Policy context

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) and the reviewed Ledbury Neighbourhood Development Plan.

6.3 The National Planning Policy Framework is a significant material consideration.

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. A decision was taken to prepare a new local plan in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant Core Strategy policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 6.5 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.
- 6.6 Paragraph 11 of the National Planning Policy Framework requires plans and decisions should apply a presumption in favour of sustainable development and 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 planning policies most important for determining the application are out-of-date, granting planning permission unless:
    - i. the application of policies in this Framework that protects areas of 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.
- 6.7 It is noted Herefordshire Council currently has a five year housing supply (5.84 years).

### **Principle of Development**

- 6.8 Applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. As set out Core Strategy Policy SD1 identifies a presumption in favour of sustainable development which echoes that within Paragraph 11 of the NPPF.
- 6.9 Core Strategy Policy SD2 relates to delivering new homes and establishes the overarching requirement for the delivery of homes in Herefordshire within the 2011-2031 plan period. The policy identifies Hereford as the main focus for housing development. Outside Hereford, the main focus for residential development is within the market towns, including Ledbury.
- 6.10 The supporting text to Policy SS2 identifies amongst other things, a growing need for suitable homes for older people to live independently, as well as for specialist housing with extra care.
- 6.11 Core Strategy Policy LB1 relates specifically to Ledbury. The policy identifies Ledbury will accommodate a minimum of 800 new homes. The majority of development will take place through a single urban extension, with further development secured through existing commitments, infill development and sites allocated through the NDP.
- 6.12 Policy LB1 lists specific circumstances where development proposals will be encouraged. As relevant to this site, this includes where they improve accessibility within Ledbury by walking, cycling and public transport. Additionally, through proposals that protect and enhance green

infrastructure, reflect and enhance the characteristic built forms of Ledbury and have demonstrated community involvement.

- 6.13 Ledbury Neighbourhood Development Plan, at Paragraph 1.9 provides specific commentary on housing. It identifies Ledbury as a popular place to retire to and according to the 2011 Census, 25% of the population is over 65. In context this is more than 4% of the County's average.
- 6.14 NDP Policy SD1.1 is titled Ledbury as Self Sustaining Community and offers support for proposals which promote a reduction in dependency of the private car and encourage environmentally sustainable travel habits. Policy SD1.2 identifies a settlement boundary for the town which will be the focus for development. Policy HO3.1 provides specific policy support for housing for the elderly providing other policies are complied with.
- 6.15 Policy CL2.1 of the NDP relates to the protection of open and green spaces and playing fields and reads as follows:

Important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury offer variously the following benefits:

- a) It provides relief within an otherwise built-up frontage or within developments.
- b) It creates and maintains a well-defined edge to the settlement.
- c) It provides a buffer between incompatible uses.
- d) It provides important views into or out of settlements and of attractive buildings and their settings, or of attractive landscapes.
- e) It provides an important amenity of value to the local community.
- f) It represents a familiar or distinctive element within an attractive street scene.
- g) It represents a historic element within the origins or development of the settlement or area.
- h) It provides wildlife corridors or stepping-stones within built up areas.
- i) It contributes in other important ways to the objectives for green infrastructure set out in Appendix 2.
- j) It is a playing field or other formal recreational facility.

Open and green space as shown on Map 11 is to be protected and maintained and loss of the space will only be permitted if it can be shown to be surplus to requirements for recreational purposes or the value of its visual, historic and community attributes is considered to be outweighed by the benefits of development.

- 6.16 The application site is located within the settlement boundary for Ledbury. Whilst within the settlement boundary, the site is identified within Map 11 of the NDP and therefore the provisions of Policy CL2.1 as set out above apply. A link to Map 11 of the NDP is provided - [Ledbury Neighbourhood Development Plan \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/ledbury-neighbourhood-development-plan).
- 6.17 The Open Spaces Planning Officer has been consulted. The comments draw attention to the wider considerations in terms of loss of open space, including within the Core Strategy and NPPF. The consultation response also notes that since providing pre-application advice, Ledbury NDP Reg 16 has been produced. On this matter, the plan has since also progressed beyond Reg 16 and is now made.
- 6.18 By way of context, the Regulation 14 version of the Ledbury NDP was submitted to the Council on 5 February 2022, Regulation 16 submission version submitted on 27 September 2022 and the NDP made on 13 June 2023. A formal pre-application was received by the local planning authority in June 2022 in respect of the development proposals. At the time of the assessment of the pre-application (Ref: 221951/CE) the site was not included in the Regulation 14 Draft Plan Stage within Policy CL2. The site was an addition to Policy CL2.1 in the Regulation 16 Plan Stage and the made version of the plan. Both the applicant and Ledbury Town Council have made

submissions as part of the current application in connection with this, but in terms of the assessment of the application, the plan is made and carries full weight.

- 6.19 Core Strategy OS3 seeks to resist development that would result in the loss of open space, sports or recreation facilities that would result in the “thinning out”, fragmentation or isolation of a site which is part of a green infrastructure corridor. CS Policy LD3 requires development proposals to protect existing green infrastructure.
- 6.20 Paragraph 99 of the NPPF requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.21 Policies contained within the Core Strategy and NPPF are of relevance, however, the site is allocated through Policy CL2.1 of the NDP and specific assessment criteria are identified within the policy. Policy CL2.1 is therefore considered the key policy in terms of assessing the principle of development. Policy CL2.1 does not preclude development of any highlighted land on Map 5 or Map 11 if the criteria outlined within the policy are met.
- 6.22 The policy reads in two steps. Firstly, there are the list of benefits a) to j) which apply variously to important open or green spaces as identified in Map 11. The second part of the policy states those areas identified on Map 11 are to be protected and maintained, but sets out circumstances whereby the loss is considered to be outweighed by the benefits.
- 6.23 Policy CL2.1 does not explicitly reference which benefit applies to each individual site and uses the terminology variously. In order to consider the application against the criteria set out in Policy CL2.1 an assessment of each of the specific benefits listed is considered the appropriate starting point which has been undertaken below:
- a) It is not considered the site plays a required spatial role in providing relief within an otherwise built-up frontage or within developments.
  - b) The site is not assessed as creating and maintaining a well-defined edge to the settlement.
  - c) The site is not considered to provide a required buffer between incompatible uses.
  - d) It is not considered to provide important views into or out of settlements and of attractive buildings and their settings, or of attractive landscapes.
  - e) The site is not publicly accessible and dense boundary vegetation mean it is not visible from the public realm;
  - f) It is not considered to represent a familiar or distinctive element within an attractive street scene;
  - g) The site is not known to represent a historic element within the origins or development of the settlement.
  - h) The site does fall within a built up area and could be considered to provide a wildlife corridor or ‘stepping stone’. Ledbury Town Council reference this within their responses. A more detailed assessment of the ecological and biodiversity impacts of the proposal is undertaken in the relevant section of this report, but for the purposes of assessing the overall principle of the development, it is noted the Council’s Ecology Officer does not object to the application proposals on this site;
  - i) Based on Appendix 2 and Map 6 of the NDP the site falls within LSC1. The objectives for this local strategic corridor are as follows:

- Retain the level of green infrastructure and enhance it where opportunities present themselves, including in association with open spaces that lie within or just outside the corridor.
- Maintain and enhance the Town Trail as a continuous green space and improve the Recreation Ground which it passes through. •
- Manage the Town Trail and other green spaces in the town centre to support wildlife and biodiversity.
- Improve the surface of the trail for shared use by removing vegetation, re-surfacing and widening of the path for shared use.
- Encourage appropriate tree, shrub and other garden planting for wildlife.
- Seek replacement of and green space lost to at least equal wildlife and residential amenity value.
- Reinststate the protection offered to areas of woodland and other green space that was shown as such in the former Herefordshire UDP.

As per the (h) above the Ecology Officer does not raise an objection to the scheme based on the proposals in terms of ecology and biodiversity net gain.

j) The site is not a playing field or other formal recreational facility.

- 6.24 As discussed above, the second part of the policy states open and green space as shown on Map 11 is to be protected and maintained and loss of the space will only be permitted if it can be shown to be surplus to requirements for recreational purposes or the value of its visual, historic and community attributes is considered to be outweighed by the benefits of development.
- 6.25 The site does not have a recreational purpose. It forms part of the private grounds of an existing residential property (The Knapp) and is not publicly accessible. Ledbury Town Council's comments regarding public accessibility are noted.
- 6.26 In terms of its visual attributes, the site is heavily screened by mature trees along the boundary (an average of 15 metres in height). Due to the boundary screening, the site is not visible from the public realm. It can be viewed from private gardens and residential development which backs onto the site, but it is not considered to provide a required visual value.
- 6.27 In respect of historic value, the site is recognised as having some historic value through its associations with the Knapp. The submitted Heritage Appraisal concludes the development will have no impact on the setting of the nearby designated heritage assets, including the Ledbury Conservation Area or The Knapp as a non-designated heritage asset. The Building Conservation Officer raises no objections to the scheme.
- 6.28 Finally, in terms of its community attributes, as already discussed, the site is within the private grounds of the Knapp, is densely screened from wider public view and has no public access or use.
- 6.29 Having assessed the site against the specific criteria (a to j) referenced within Policy CL2.1, the next step as set out by the policy is consider the benefits of the scheme as set out in the latter section of the policy.
- 6.30 In respect of Core Strategy Policy OS3, it is not considered the proposal would result in fragmentation or isolation of a site which is part of a green infrastructure corridor. Below is an extract of the LSC1 Corridor Map (Map 5 – Key Areas of Open and Green Space from within the NDP). The site is already removed from the main part of the corridor. Whilst a large building is proposed on the site, the proposals would retain green infrastructure and planting around the building. The submitted documentation demonstrates biodiversity net gain will be achieved.



- 6.31 In conclusion, the site is subject to an allocation for Open, Green Spaces and Playing Fields by virtue of its inclusion within Map 11 of the NDP. As discussed, the policy does not preclude development. It sets out the various benefits applicable to land included within Map 11, identifying relevant land is to be protected and maintained and establishes criteria upon which its loss will be permitted. This involves assessment as to whether the benefits of the development outweigh visual, historic and community attributes of a site.
- 6.32 In terms of the benefits, the application site is located in a highly sustainable location. It is within the settlement boundary and immediately adjacent to services and facilities available within the town. CS Policy LB1 and NDP Policy SD1.1 offer support for proposals which promote reduction in car dependency and encourage environmentally sustainable travel modes. The proposals would contribute to those wider aims.
- 6.33 The proposed development would provide specialist elderly residential accommodation in an area which is identified as having a higher population over 65 than the county average. The NDP identifies increased support for housing for the elderly and also the young. Policy HO3.1 supports proposals for retirement homes provided they comply with other policies. Accompanying Paragraph 6.12 recognises it is important to ensure the right type of housing is available for Ledbury's ageing population. Paragraph 6.13 also states new homes for elderly people should provide easier access to centrally located health and support services, ensuring easy access to all communities.
- 6.34 The proposals also include a small element of employment and the introduction of additional residential population within the town centre, making a contribution to the local economy.
- 6.35 In respect of the biodiversity and green infrastructure elements of Policy CL2.1, the scheme would retain existing green infrastructure at the perimeter of the site and proposes additional new planting as part of a detailed landscaping scheme. The submitted documentation also demonstrates biodiversity net gain is achieved.

- 6.36 On the basis of the above assessment, in this case, it is considered the benefits of the proposed development do outweigh the visual, historic and community attributes and therefore the requirements established through NDP Policy CL2.1 are met.

## Heritage

- 6.37 The Planning (Listed Buildings and Conservation Areas) Act 1990 states *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*
- 6.38 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that when considering any planning application in a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character of appearance of that area.
- 6.39 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, and notes heritage assets and specifically those with environmental designations.
- 6.40 Core Strategy Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 6.41 Ledbury NDP Policy BE2.1 relates to protecting and enhancing heritage assets. At part c) the policy states development should conserve and enhance the features and settings of listed buildings and other local heritage assets as appropriate to their heritage importance. Part d) seeks to ensure every effort is made to conserve and enhance the character or appearance of Ledbury Conservation Area. The policy states, where appropriate, Heritage Impact Assessments should be undertaken to inform development proposals.
- 6.42 The National Planning Policy Framework also includes guidance in terms assessing impact of proposals on designated and non-designated heritage assets. Paragraph 194 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s significance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 identifies local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 197 goes onto advise, in determining applications, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.
- 6.43 The Framework then goes onto advise as to how to consider potential impacts. Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (the more important the asset is, the greater the weight should be). Paragraph 200 outlines any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 201 deals with considering proposals which would lead to substantial harm. Paragraph 202 relates to less than substantial harm to a designated heritage asset and sets out the harm should be weighed against the public benefits. Paragraph 203 relates to non-designated heritage assets and confirms the effect of an application on the significance of a non-designated heritage asset

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should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.

- 6.44 The site is not within the Ledbury Conservation Area. There are also no listed buildings within or immediately adjacent to the application site.
- 6.45 In line with the NPPF, the application is accompanied by a detailed Heritage Assessment undertaken by Cotswold Archaeology. The assessment has been undertaken in connection with the application proposals and considers all elements of the historic environment.
- 6.46 The Heritage Assessment confirms the site lies outside of the medieval core of Ledbury Town. The Knapp, which is a private house constructed in 1878 and adjacent to the site could be considered a non-designated heritage asset. The Knapp's significance is considered to derive from its historical associations with John Masefield, poet Laureate from 1930 to 1967. As set out, there are no listed buildings within or adjacent to the application site. Three Grade II listed buildings are located within 70m of the site (Oakland Lodge, Oakland House and Home Lawn). The Conservation Area is located approximately 100m south of the site.
- 6.47 No overriding heritage constraints are identified within the assessment and its conclusions are that the historical associations contributing to the significance of The Knapp will not be affected by the proposal, nor will the setting of the nearby listed buildings or the Ledbury Conservation Area.
- 6.48 The Council's Building Conservation Officer has been involved in this application at both pre-application stage and during the course of this application. No specific heritage objections have been raised with advice provided relating to matters of design which will be discussed separately. Officers concur with the assessment undertaken within the Heritage Appraisal in terms of the impact of the development and consider any impact on the conservation area, listed buildings or The Knapp would be neutral.
- 6.49 In light of the assessments undertaken both within the Heritage Appraisal and by officers as part of the consideration of the heritage impacts of the proposals, the application is considered to accord with the listed legislative, policy and guidance with regards to the historic environment.

### **Design, Layout, Appearance**

- 6.50 Core Strategy Policy SD1 relates to sustainable design and energy efficiency. The policy requires development proposals to create safe, sustainable, well integrated environments for all members of the community.
- 6.51 The policy stipulates various requirements development proposals should incorporate which include (as relevant to matters of design for this application):
- ensuring development proposals make efficient use of land, taking into the local context and site characteristics;
  - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area, including, where appropriate, through innovative design;
  - Utilise physical sustainability measures – including orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling and enabling renewable energy;
  - Create safe and accessible environments – minimise opportunities for crime and consider fire safety measures;
  - Ensuring design can be easily adapted; and

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- Utilise sustainable construction methods which minimise the use of non-renewable resources;
- 6.52 Policies HO2.2, HO2.3 and BE1.1 of the Ledbury Neighbourhood Development Plan are also of relevance in assessing design. HO2.2 requires density to respect its surroundings through good design which responds positively to local character. Housing density is stipulated at between 30-50 dph, with housing densities at the higher end of this range within and towards the town centre.
- 6.53 HO2.3 sets out design criteria for residential development. As relevant to this application, the policy seeks to ensure a high and inclusive standard of architecture, scale, massing, proportion, materials, colour and roof profile should relate to characteristic built forms of Ledbury. Ridge heights should be consistent with the heights of nearby properties and only more than 2.5 storeys where it can be shown to fit sensitively into townscape.
- 6.54 Policy BE1.1 also relates to design and requires development to demonstrate it is sympathetic to the character and appearance of Ledbury.
- 6.55 The development involves the demolition of an existing bungalow known as 'Greenacres'. The existing bungalow is of no particular architectural merit, although it does sit comfortably alongside the immediately adjacent dwellings on The Homend. The loss of the bungalow and creation of a new access does not present any specific design concerns.
- 6.56 The Council's Landscape, Tree Officer and Building Conservation Officer have been involved in assessing and providing feedback at both pre-application stage and in a design meeting held in response to the originally submitted application drawings. Officers raised particular concerns in respect of scale, massing and architectural approach. The mock tudor pastiche design approach was considered particularly poor.
- 6.57 In response to feedback on the original full planning application proposals, the footprint, layout, scale, massing and architectural approach has been amended through a re-design of the scheme. The Building Conservation Officer and Landscape Officer both recognise the design is significantly improved on that initially presented.
- 6.58 It is noted a number of objections have been received raising concerns in connection with the layout, scale and design of the scheme including from the Town Council. There is also some recognition of the positive design changes.
- 6.59 Concerns raised by LTC and local residents in respect of the current scheme are noted. The proposed building is large in terms of its scale and massing, and is greater in scale and mass than nearby buildings. That said, each planning application is to be assessed on its own merits and the site is characteristically very different to sites within the locality. The levels fall significantly from the Homend. The rear part of the site, where the building is proposed to be sited is set at a much lower level than The Homend. The submitted visually verified images demonstrate the height of the development will appear comparable to adjacent buildings when viewed from the Homend.
- 6.60 Furthermore, the submitted documentation demonstrates the building will not be viewed in context of surrounding development, due to the extensive boundary screening. It is noted current screening is not a reason to set aside design considerations, but the levels of the site, position of the building within the site with generous distances to boundaries and the surrounding context to the south (Tesco) are such that it is not considered the building would be incongruous in terms of layout, scale and massing.
- 6.61 Concerns have been raised regarding density in light of NDP Policy HO2.2. At 53 dwellings per hectare, the development is marginally above that range. However, the policy states density should be higher towards and within the town centre. The development is within close proximity

of the town centre and a density of the number of units proposed is considered appropriate in that context and bearing in mind, the scheme is also for apartments, which are to be set with generous landscaped gardens retaining a sense of space surrounding the development. Paragraph 119 of the NPPF recognises the need to promote effective use of land in meeting the need for homes, while safeguarding and improving the environment and healthy living conditions.

- 6.62 In terms of concerns regarding the ridge height in connection with Policy HO2.3, the policy stipulates, as appropriate, ridge heights should be consistent with the height of nearby buildings and only more than 2.5 storeys where this can be shown to fit sensitively into townscape, setting of AONB and the historic environment. The development would not affect the setting of the AONB or the historic environment for the reasons discussed elsewhere in this report. Based on the site's context and the supporting documentation, the scale in the context of this site is considered to be justified.
- 6.63 Finally, in terms of the overall design approach, efforts have been made to reflect local character. The mock tudor approach sought to do this, but in officers view did so in an unacceptable pastiche manner. The revised proposal is more contemporary, but is considered to suitably reflect architectural detailing in the local area through pitched roofs, projecting gables and chimneys. The scale and mass of the building has also been broken up through the layout of the building, architectural detailing and use of materials, albeit remains as one single building.
- 6.64 To summarise in respect of design, the building is large in terms of its scale and mass. But, given the specific characteristics of the site, its context and the significant improvements made to the design of the scheme, it is considered the overall requirements in terms of design are achieved.

## **Landscape and Trees**

- 6.65 Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness, including its settlement pattern, biodiversity and especially those with designations.
- 6.66 CS Policy LB1 relates specifically to Ledbury and amongst other things, seeks to ensure proposals protect and enhance its green infrastructure, including connections to the public right of way network and biodiversity, placing particular emphasis of the AONB and Leadon Valley.
- 6.67 CS Policy LD1 deals directly with landscape and townscape and identifies proposals should:
- Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, protection and enhancement of the setting of settlements and designated areas;
  - Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including AONBs, nationally and locally designated parks and gardens and conservation areas;
  - Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
  - Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.68 Core Strategy Policy LD3 relates to green infrastructure. Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
  2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
  3. Integration with, and connection to, the surrounding green infrastructure network.
- 6.69 NDP Policy NE1.1 relates to protecting and enhancing biodiversity, geodiversity and green infrastructure. The policy supports the conservation, recovery and enhancement of biodiversity and geodiversity and seeks to achieve at least the required level of biodiversity net gain, through measures that (not exhaustive) a) contribute towards the wider ecological network, biodiversity, green infrastructure and network of local wildlife sites by enhancing ecological conditions and stepping stones. Part c) relates to maintaining the natural qualities of green spaces and provide habitat improvements for areas of green infrastructure identified as strategic corridors utilising the objectives identified in Appendix 2 of the NDP. Those objectives are listed earlier in this report.
- 6.70 NDP Policy NE2.1 relates to landscape and scenic beauty and requires proposals to contribute to the area's landscape character and not adversely affect it. The policy also notes landscape works within the existing urban area should maintain and if possible improve the street scene and be of high quality. Tree planning should be in line with arboricultural best practice.
- 6.71 NDP Policy CL2.1 falls within the community and leisure section of the plan, but as set out earlier in this report contains elements in relation to green infrastructure.
- 6.72 The Council's Landscape Officer has been consulted on the proposals in with townscape character, landscape schemes, green infrastructure and trees. The comments provide an overall response recognising additional information has been provided and noting improvements to the design, and sets out the improvements made and remaining concerns which are a matter to be balanced in any planning decision.
- 6.73 The site is not within or adjacent to the Malvern Hills AONB. The Landscape Officer has been consulted. In respect of landscape and townscape, the Landscape Officer confirms the submitted information demonstrates there are very limited views into the site. The elevational treatments and materials are more subtle than the original proposals and more in keeping with the character of Ledbury. The comments acknowledge a landscape layout that would create an attractive setting and a planting plan providing a wide range of species to enhance the site. Existing boundary treatment is to be mostly retained.
- 6.74 Concerns are also raised within the comments, including that the building remains large and in connection with the loss of open space within the built up area of the town. The extent of retaining walls is also a concern which does not work well with the natural character of the site.
- 6.75 The Tree Officer has also provided comments and confirms there are no objections to the development from a tree perspective. The building has been sited away from the southern boundary in response to initial concerns in this respect.
- 6.76 In order to facilitate access to the site, an area of trees are proposed for removal. The submitted tree report identifies those trees as Category C and as such, they are considered low in quality and have a life expectancy of no more than 10 years. The Tree Officer confirms from outside the site, with the retention of boundary green infrastructure and the specimen trees outside the red line, but within the property curtilage, the arboreal and public amenity value will largely remain unchanged. The proposed planting scheme is also considered acceptable, with retained larger species still the dominant features, but the addition of small and medium sized trees which are suitable for the nature of the site. Comments are made in respect of drainage, which is considered acceptable.

- 6.77 The Landscape Officer has confirmed the proposed levels strategy and landscaping plan to be detailed. However, it is acknowledged further information has been requested specifically in connection to details of retaining walls. Representations have also raised this matter. On the basis of the detailed information that has been provided in respect of levels, officers are satisfied this can be dealt with via condition. Although the broader landscape details are acceptable, a Landscape Scheme condition has been recommended, with to also include the elements currently included with the addition of retaining walls and updating any tree information.

## **Ecology and Biodiversity**

- 6.78 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 6.79 NDP Policy NE1.1 is also relevant in connection with ecology and biodiversity consideration and seeks to achieve at least the required level of biodiversity net gain, through measures that (not exhaustive) a) contribute towards the wider ecological network, biodiversity, green infrastructure and network of local wildlife sites by enhancing ecological conditions and stepping stones. Part c) relates to maintaining the natural qualities of green spaces and provide habitat improvements for areas of green infrastructure identified as strategic corridors utilising the objectives identified in Appendix 2 of the NDP. In relation to biodiversity, Appendix 2 sets out an objective to manage green spaces to support wildlife and biodiversity, seek replacement of and green space lost to at least equal wildlife amenity value.
- 6.80 The original submission was accompanied by a Preliminary Ecological Report. The Council's Ecology Officer highlighted the originally submitted report appeared to underestimate the potential importance of this green oasis in an otherwise intensely developed area. A fully detailed specification for biodiversity net gain enhancements was requested. Additional ecology surveys and reports were also requested.
- 6.81 Additional ecology surveys and reports have been submitted in respect of reptiles, bats, great crested newts, badgers and a revised Preliminary Ecology Appraisal.

The Ecology Officer has provided an updated consultation response which is summarised as follows:

- no evidence of use of the existing building proposed for demolition by Bat species, although general bat foraging and commuting is known in the wider locality. A relevant precautionary working method is proposed accompanied by habitat enhancements to support future use by bats.
- A small loss of reptile habitat will result from the proposed development. It is not possible to support the identified small population of Slow Worm on the site during the development process and a relevant translocation plan is proposed. The population was already isolated and translocation is likely to result in a wider and better habitat to support the small breeding population; in addition the grounds of the new development once completed will provide further reptile habitat and recolonization will be possible. A relevant Licence will be required from Natural England to support this translocation process.
- The development will not impact or affect any local populations of Badgers.
- No presence of Great Crested Newts has been identified as being associated with the development site.
- Enhancements to support bird nesting are proposed as part of the development.
- Other Habitat and species enhancements are proposed as part of the wider development and associated grounds-landscaping.

6.82 Conditions are suggested to ensure the recommendations and proposed mitigation, compensation and biodiversity enhancements as detailed in the suite of Ecology Information dated June 2023 are secured in full and include a Construction Environmental Management Plan and a Landscape Environmental (Ecological) Management Plan. Overall, no ecology objection is raised to the proposed development.

## **Flooding and Drainage**

6.83 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, waste water treatment and river quality.

6.84 The application is accompanied by various detail in respect of flooding and drainage. The Lead Local Flood Authority has reviewed the proposals. The latest comments dated July 2023 provide a detailed assessment of the documents and confirm the documentation on which those documents are made which is as follows:

- AMENDED Site Plan – April 2023 (Ref: MI-2822-03-AC-0001 Rev K);
- AMENDED Levels Strategy – April 2023 (Ref: MI-2822-03-DE-100 Rev B);
- AMENDED Drainage Strategy – June 2023 (Ref: MI-2822-03-DE-101 Rev C);
- AMENDED Impermeable Area – April 2023 (Ref: MI-2822-03-DE-103);
- AMENDED Drainage Statement – April 2023 (Fourth Issue);
- AMENDED Flood Risk Assessment – April 2023 (Ref: A01-C05);
- ADDITIONAL Drainage Officer Response Letter – April 2023;
- ADDITIONAL Drainage – Soakaway Assessment – April 2023; and
- AMENDED Design and Access Statement – April 2023.

6.85 The development site is more than 1ha and therefore a Flood Risk Assessment has been submitted. The Flood Risk Assessment confirms the site is wholly located within Flood Zone 1 and there are no records of historic flooding.

6.86 With regards to surface water flood risk, the majority of the site is not at risk, however there are some areas of low risk and medium to low risk as shown in Figure 2 of the Land Drainage comments. The LLFA is satisfied the FRA addresses surface water flood risk posed to the site.

6.87 Ground investigations have been undertaken in respect of surface water drainage and confirm low permeability. Based on the on site ground investigations and proven low permeability of the surrounding area, the LLFA accept surface water discharge to ground is highly unlikely to be viable. The LLFA note the proposals for an attenuated and restricted off site discharge to watercourse located to the southwest of the site and that the proposed outfall is within the site boundary. Management and maintenance of the surface water drainage system would be undertaken by Mc Carthy Stone Management Services even following completion and occupation of the development.

6.88 The foul water proposals are to discharge to Severn Trent public foul sewer located to the east of the site in The Homend. Severn Trent has confirmed it raises no objection to the proposed connection. A pumping station with associated rising main will be required to achieve this discharge.

6.89 The LLFA acknowledges pumped discharges are not favourable but is satisfied the applicant has exhausted all options in respect of gravity fed discharge to the public foul sewer to the south west of the site. The applicant has provided a commitment to a pump with 24 hours storage, a back up pump and alarm system to mitigate any potential risk. Mc Carthy Stone Management Services will maintain the entire foul water drainage system, including pump and rising main. A Type 3 station will be required and details regarding the proposed pump would need to be agreed at discharge of condition stage.

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6.90 Overall, the LLFA confirms it raises no objection to the proposal but has confirmed detail which would be required by way of conditions. The proposal is considered acceptable in terms of Core Strategy Policies SD3 and SD4.

## **Transportation**

6.91 Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy identifies a number of principle requirements which should be incorporated into proposals. Those relevant to this application include:

- Promote and, where possible incorporate integrated transport connections and supporting infrastructure, including access to services by means other than private motorised transport;
- Encourage travel behaviour through use of travel plans;
- Ensure developments are laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for emergency services;
- Protect existing local and long distance footways, cycleways and bridleways;
- Have regard to the Council's Highway Development Design Guide and cycle and vehicle parking standards, having regard to the location of the site and the need to promote sustainable travel choices.

6.92 Submitted representations raise a number of concerns in connection with transportation. These include the suitability of the proposed access point, existing issues experienced along The Homend and The Knapp, and proximity to the junction with The Knapp. Furthermore, concerns are raised in terms of pedestrian safety, including as a result of footpath widths, displaced parking, level of parking provision and the ability of the site and access to accommodate the traffic movements proposed.

6.93 The Local Highway Authority has reviewed the proposals and accompanying Transport Assessment and assessed the suitability of the proposed access and the vehicular movements associated with the proposal. The LHA comments confirm no objection is raised to the proposed development. The LHA confirm car parking is over and above the maximum provision, but is less than one space per unit.

6.94 The site is sustainably located within easy walking provision to the centre of Ledbury and sustainable travel modes, including bus services and train station. The requirements in terms of CS Policy MT1 are met.

## **Amenity**

6.95 Herefordshire Local Plan Core Strategy SD1 is relevant in assessing amenity impacts of development proposals. The policy requires development to safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light, or air contamination, land instability or cause ground water pollution.

6.96 Concerns have been raised submitted letters of representation in connection with amenity impacts of the proposals.

6.97 The Council's Contaminated Land Officer has been consulted regarding the proposals and has reviewed the submitted Phase II Site Appraisal. The consultation response provided notes assessment in respect if contamination is largely acceptable but the site is identified as having a minor elevated concentration of lead. As such, a condition is requested requiring further

investigation/potential decontamination, although it is recognised Part 1 of the suggested condition has largely been satisfied.

- 6.98 The Council's Noise and Nuisance Environmental Health Officer has also been consulted and requests a condition is added to any permission granted for a Construction Management Plan to be provided prior to commencement of any works on site in order to ensure nearby residential amenity is protected.
- 6.99 Further amenity considerations in respect of the proposals relate to the scale and siting of the proposed development and that the proposals do not result in an unacceptable loss of light, increase in overlooking, visual or overbearing impacts.
- 6.100 There will be an intensification of residential activity at the application site as a result of the number of residential dwellings proposed and associated activity at the site, movements to and from the site. That in itself is not considered unacceptable, the application site is located within a built up area, close to the town centre and being a residential use, is entirely compatible with adjacent residential land uses.
- 6.101 The proposed building is large and the outlook from Newbury Park in particular will be altered through the proposals. Whilst the existing northern boundary comprises dense tree cover, the rear of properties along Newbury Park can be viewed through gaps in vegetation and the density of vegetation will vary throughout the year. The proposals do involve the retention of existing boundary trees, albeit management and maintenance will be undertaken as set out in the submitted documentation.
- 6.102 Although there will be a change as a result of the proposed building, it is sited fairly centrally within the rear section of the site. The majority of balconies are proposed on the front elevation, with some proposed to the rear and north. Those to the north are relatively small in scale. Based on the scale of the balconies, the distance of the elevations (in particular the north elevation in excess of 22 metres), the levels on the site, extensive existing and proposed tree planting and the built up context, it is not considered the proposal would unacceptably impact in terms of overlooking, loss of light or visual amenity.
- 6.103 The requirements of Core Strategy Policy SD1 in respect of amenity are considered to be met through the development.

### **Waste - Refuse and Recycling**

- 6.104 The Council's Refuse and Recycling team has provided a consultation response confirming options in terms of refuse collection undertaken by the Council.
- 6.105 Bin storage is located within the building itself to prevent occupants having to go outside to put rubbish in bins. A dedicated refuse collection point is shown within the submitted site plan, which is in close proximity to the internal bin store.
- 6.106 The site would be managed by Management Company and therefore it may be refuse and recycling provision is undertaken by a private company. It is considered adequate provision has been made within the layout but a condition has been attached to this recommendation requiring refuse and recycling arrangements to be confirmed prior to occupation.

### **Sustainability and Climate Change**

- 6.107 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures.

- 6.108 Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.109 The proposed development is sustainably located and provides opportunity to utilise a number of sustainable travel modes.
- 6.110 The application is accompanied by an Energy and Sustainability Statement. The applicant has adopted a 'fabric first' approach to building design which involves maximising the performance of components and materials that make up the building fabric itself before considering the use of mechanical or electrical building service systems. This approach can assist in improving energy efficiency and reducing carbon emissions.
- 6.111 The submitted statement highlights the scheme proposes to utilise a good thermal envelope to minimise heat loss, as well as efficient heating and lighting systems. Air source heat pumps are proposed for hot water and a Mechanical Ventilation System with Heat Recovery (MVHR). These are energy efficient, sustainability measures which have been incorporated within the scheme. Photovoltaics are incorporated within the scheme to serve communal areas. The sanitaryware system proposed is in line with the requirements of SD3 (less than 110 litres use per person per day).
- 6.112 The submitted documentation confirms Electric Vehicle Charging Points are proposed for inclusion within the development. Conditions have been included within this recommendation to secure further specification and siting details for EV charging points, alongside details in terms of cycle parking provision.
- 6.113 Overall, the proposed development incorporates a range of sustainability measures and is considered in compliance with CS Policies SS7 and SD1.

### **Minerals and Waste**

- 6.114 The Council is preparing a Minerals and Waste Local Plan (MWLP) to guide mineral extraction and the management of waste in Herefordshire.
- 6.115 The Minerals and Waste Planning Officer has been consulted in respect of the proposals and confirms the site does not raise any issues with regards to the safeguarding of minerals but does involve the construction of a significant major development and will generate significant volumes of construction materials. As such the emerging policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed.
- 6.116 The planning system has a role to play encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The used of materials and waste resources will be directed to contribute positively to addressing climate change.
- 6.117 In accordance with emerging policy SP1 of the Minerals and Waste Local Plan if the application is approved the applicant will be required to produce a Resource Audit to set out end of life considerations for the materials used in the proposed development.
- 6.118 An appropriately worded condition has been suggested to secure the required information.

### **Planning Obligations and Viability**



- 6.119 Core Strategy Policy ID1 relates to infrastructure delivery and identifies provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities. The Planning Obligations Supplementary Planning Document and Affordable Housing Supplementary Planning Document both provide the details of the type and scale of obligations that may apply.
- 6.120 A development of this scale and nature attracts various financial contributions which would need to be secured via a Section 106 Agreement. The provision of affordable housing would also need to be secured via such an agreement.
- 6.121 The Council's Planning Obligations Manager has prepared Draft Heads of Terms setting out the level of contributions and affordable housing provision required in connection with the development based on input from the relevant consultees and Supplementary Planning Document's.
- 6.122 The required contributions are summarised below:
- Affordable housing requirement: 11 x 1 bedroom dwellings and 10 x 2 bedroom dwellings;
  - Transport: £50,195.00;
  - Waste and Recycling: £2,500.60;
  - Libraries: £4,178.00;
  - Health: £11,040.00

**Total - £67,914.00**

- 6.123 The applicant's position is that the scheme is not financially viable to support the payment of financial contributions or the provision of affordable housing.
- 6.124 Paragraph 57 of the National Planning Policy Framework identifies the relevant tests in respect of planning obligations. Paragraph 58 states where up to date policies have set out the contributions from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at application stage.
- 6.125 Paragraph 58 then goes onto explain the weight to be applied to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence is up to date and any change in site circumstances since the plan was brought into force.
- 6.126 The PPG notes some circumstances where viability might be a factor and includes where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people) (007 Reference ID: 10-007-20190509).
- 6.127 The application is accompanied by a Financial Viability Appraisal prepared by Atitlan Consulting with assessment inputs including:
- Scheme Gross Internal Area (GIA) and Site Area;
  - Development Period;
  - Gross Development Value;
  - S106 Contributions;
  - Construction Cost Total'
  - External;
  - Total Construction and External Costs;
  - Abnormal Costs;
  - Professional Fees;
  - Contingency;

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- Financial Interest Rate;
- Non-recoverable outgoings;
- Other fees (including marketing, open market sales – agency and legal fees);
- Land acquisition cost;
- Profit %;
- Benchmark Land Value; and
- Residual Land Value

6.128 In order to assess the applicant's position regarding viability, the Local Planning Authority formally instructed independent specialist input from the Valuation Office Agency (VOA). The VOA provides the Government valuation advice needed to support taxation and benefits and is an executive agency sponsored by HM Revenue and Customs.

6.129 The full financial appraisal undertaken by the applicant has been made available to the VOA, alongside the Draft Heads of Terms setting out planning contributions required in connection with this development.

6.130 The VOA has undertaken a detailed review of the appraisal and provided a detailed report assessing the position regarding viability

6.131 The VOA's appraisal also provides a market commentary including the current state of the UK economy, economist's forecasts in terms of recession, interest rates and external factors currently impacting the market.

6.132 The VOA Officer has concluded as follows:

*It is my independent conclusion that this proposed scheme of 53 no. Retirement Apartments cannot support the Policy requirement for 21 no. onsite Affordable dwellings for sale on a Discounted Market basis, and/or the payment of Section 106 Contributions totalling £67,914.*

*I have also concluded that the proposed scheme cannot viably provide any level of Affordable Housing, or any amount by way of payment towards Section 106 Contributions.*

6.133 The VOA's report provides some further commentary and identifies it is not considered a 100% Open Market scheme providing no affordable housing and no payment of contributions is viable and sets out a review clause might be an appropriate mechanism to ensure that if development is not constructed within a prescribed period of time, viability is reviewed. Those comments have been considered as part of the application assessment. Regarding the overall viability, the applicant has confirmed a commitment to the provision of later living housing and considers there to be a large unmet demand. With regards to a review mechanism, nPPG states plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles". (PPG Paragraph: 009 Reference ID: 10-009-20190509). In this instance, it is not considered a review mechanism is necessary and the requirement to commence works within the required time period is considered sufficient.

6.134 Overall, VOA has undertaken a robust assessment of the financials in connection with this development proposal and confirms in their view, no viability to support payment of contributions. On the basis of the expert advice provided, officers are satisfied it is the case the scheme cannot support the payment of contributions. The Council's Housing Development Officer raised initial objections given the lack of affordable housing, but the comments confirmed that until such time as independent confirmation has been received, unable to remove objection. This has now been duly received.

6.135 Paragraph 58 of the Framework outlines weight to be given to viability appraisals is a matter for the decision maker. Officers note Core Strategy Policy H1 provides targets in respect of affordable housing and identifies viability of affordable housing as a relevant factor in terms of affordable housing. Furthermore, the supporting text to Policy ID1 also acknowledges there may be occasions where development is unable to meet policy requirements and remain viable, and in order to assess the viability of a proposal the applicant will be required to provide any necessary cost and income figures. The Ledbury Neighbourhood Development Plan at Paragraph 6.8 also recognises viability as a factor in terms of achieving a mix of housing.

## Conclusions

6.136 Applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Herefordshire Local Plan – Core Strategy and the made Ledbury Neighbourhood Development Plan.

6.137 The application seeks full planning permission for the erection of 53 residential retirement living apartments and associated works.

6.138 The site is subject to an allocation for Open, Green Spaces and Playing Fields by virtue of its inclusion within Map 11 of Policy CL2.1 of the recently reviewed NDP. As set out, this policy does not preclude development. It sets out the various benefits applicable to land falling within Map 11 and identifies it is to be protected and maintained, but establishes criteria upon which its loss will be permitted. This involves assessment as to whether the benefits of the development outweigh visual, historic and community attributes.

6.139 The application site is located in a highly sustainable location. It is within the settlement boundary and immediately adjacent to services and facilities available within the town. CS Policy LB1 and NDP Policy SD1.1 offer support for proposals which promote reduction in car dependency and encourage environmentally sustainable travel modes. The proposals would contribute to those wider aims.

6.140 Furthermore, the proposed development would provide specialist elderly residential accommodation in an area which is identified as having a higher population over 65 than the county average. The NDP identifies increased support for housing for the elderly and also the young. Policy HO3.1 offers support for proposals for retirement homes. The NDP also states such development should provide easier access to centrally located health and support services.

6.141 The proposals also include a small element of employment and the introduction of additional residential population within the town centre, making a contribution to the local economy.

6.142 In respect of the biodiversity and green infrastructure elements of Policy CL2.1, the scheme would retain existing green infrastructure at the perimeter of the site and proposes additional new planting as part of a detailed landscaping scheme. The submitted documentation also demonstrates biodiversity net gain is achieved. The development is also not considered to result in fragmentation of green space as required by the Core Strategy.

6.143 Overall, it is considered the benefits of the proposed development outweigh the visual, historic and community attributes and therefore the requirements established through NDP Policy CL2.1 are met.

6.144 Turning now to the other elements in respect of the scheme, the Local Highway Authority, Lead Local Flood Authority, Severn Trent, Ecology Officer, Tree Officer, Building Conservation Officer and Environmental Health Officers raise no objections to the scheme. The Landscape Officer does not object, although it is noted those comments present a balanced assessment in terms of positives and negatives of the development.

- 6.145 The proposed building is large in terms of its scale, massing and footprint. However, given the specific characteristics of the site, surrounding context and the significant improvements made to the design of the scheme, it is considered the overall requirements in terms of design have been achieved. It is acknowledged the visual impact for some existing residential properties will be altered, but based on the siting of the building and proposals in terms of retention of boundary trees and new planting, amenity impacts of the development are considered acceptable.
- 6.146 The Landscape Officer has confirmed the proposed levels strategy and landscaping plan to be detailed. However, it is acknowledged further information has been requested specifically in connection to details of retaining walls. On the basis of the detailed information that has been provided in respect of levels, it is considered this can be dealt with via condition.
- 6.147 A development of this scale and nature attracts various financial contributions and a requirement for affordable housing, both of which would be secured via a Section 106 Agreement. Draft Heads of Terms have been prepared in terms of the financial contribution that would be required across the scheme.
- 6.148 The applicant's position is that the scheme is not financially viable to support the payment of financial contributions or the provision of affordable housing. A Financial Viability Appraisal has been submitted with the application. This has been independently reviewed by the VOA, who conclude the scheme is not viable to support on site affordable housing and financial contributions.
- 6.149 Paragraph 58 of the Framework outlines weight to be given to viability appraisals is a matter for the decision maker. In assessing the viability aspect of the proposals, it is noted Core Strategy Policy H1 provides targets in respect of affordable housing and identifies viability of affordable housing as a relevant factor in terms of affordable housing. Furthermore, the supporting text to Policy ID1 also acknowledges there may be occasions where development is unable to meet policy requirements and remain viable. In such cases viability assessment is needed. The Ledbury Neighbourhood Development Plan at Paragraph 6.8 also recognises viability as a factor in terms of achieving a mix of housing. Furthermore, the PPG notes some circumstances where viability might be a factor and includes where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people) (007 Reference ID: 10-007-20190509).
- 6.150 The lack of planning contributions is a negative factor in considering the overall benefits of the scheme, however there is relevant commentary within the Core Strategy and NDP acknowledging there may be circumstances when this is the case, and the position regarding viability has been interdentally assessed and confirmed.
- 6.152 When taking into account all of the considerations in respect of the proposals, the recommendation is to permit the application subject to various conditions which are listed below.

## **RECOMMENDATION**

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

### **General**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 The development shall be carried out strictly in accordance with the approved plans listed below:**

- **Location Plan (Ref: MI-2822-02-AC-0000);**
- **Amended Site Plan (Ref: MI-2822-03-AC-0001);**
- **Amended Lower Ground (Ref: MI-2822-03-AC-1000-E);**
- **Amended Ground Floor Plan (Ref: MI-2822-03-AC-1001-F);**
- **Amended First Floor Plan (Ref: MI-2822-03-AC-1002-E);**
- **Amended Second Floor Plan (Ref: MI-2822-03-AC-1003-E);**
- **Amended Roof Plan (Ref: MI-2822-03-AC-1004-C);**
- **Amended Entrance Elevation (Ref: MI-2822-03-AC-2001-D);**
- **Amended North Elevation (Ref: MI-2822-03-AC-2003-B);**
- **Amended South Elevation (Ref: MI-2822-03-AC-2004-C); and**
- **Amended Levels Strategy (Ref: MI-2822-03-DE-100 Rev B)**

**Except where otherwise stipulated by conditions attached to this permission.**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, HO2.3 and BE1.1 of the Herefordshire Local Plan – Core Strategy, Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.**

**3 No more than 53 dwellings shall be constructed on the site.**

**Reason: Planning permission has been sought for 53 dwellings but the description of development does not reference total number of units. In order to regulate the development, and on the basis of the application which has been assessed and approved on the basis of this quantum of development and its impacts and to comply with Herefordshire Core Strategy policies SS1, SS3, LB1, LD1, LD2, MT1, SD1, LD1, LD4, SD3, SD4 and ID1 and Ledbury Neighbourhood Development Plan Policies HO2.2, HO2.3, HO3.1, BE1.1, NE1.1**

**4 Each residential dwelling hereby permitted shall be occupied only by:**

- **Persons over the age of 60; or**
- **Persons living as part of a single household with such a person or persons; or**
- **Persons who were living as part of a single household with such a person or persons who have since died.**

**Reason: The description of development and submitted documentation seeks planning permission for retirement living apartments and has been assessed on that basis. The scheme has also been subject to viability appraisal on this basis. This condition is required in order ensure compliance with Herefordshire Core Strategy policies SS1, SS3, LB1, LD1, LD2, MT1, LD1, LD4, SD1 SD3, SD4 and ID1and Ledbury Neighbourhood Development Plan Policies HO2.2, HO2.3, HO3.1, BE1.1, NE1.1.**

**5 Prior to commencement of development, a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods, retained tree and hedgerow protection scheme and consideration of all environmental effects of construction processes shall be submitted to and approved in writing by the local planning authority.**

The approved CEMP shall be implemented in full for the duration of all construction works at the site.

Reason: This is required as a pre-commencement condition to ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

- 6 Prior to commencement of development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented in full and hereafter maintained as approved.

Reason: This is required as a pre-commencement condition to ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency. Compliance with Highways Design Guide and to consider resident safety.

- 7 Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period.

The Construction Management Plan shall include, but is not limited to, the following matters:

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities;
- b) on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- c) wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- d) measures for managing access and routing for construction and delivery traffic;
- e) hours during which construction work, including works of site clearance, and deliveries can take place.
- f) Construction Traffic Management Plan

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

Reason: This is required pre-commencement in the interests of highway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, SS6, LD2, LD3 and MT1 of the Herefordshire Local Plan Core Strategy 2011-31 and HO2.3 of the Ledbury Neighbourhood Development Plan during construction.

**8** Prior to commencement of development, the following shall be submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Reason:** This is included pre-commencement in the interests of ensuring human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework, including during the construction period.

**9** Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the local planning authority. The Resource Audit shall include the following;

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

**Construction works shall thereafter be carried out in full accordance with the details of the approved Resource Audit unless agreed in writing by the Local Planning Authority.**

**Reason:** This condition is required pre-commencement as the treatment/handling of any site waste is a necessary initial requirement before any groundworks are undertaken in the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

**With the exception of site clearance and groundworks**

**10 Notwithstanding the details submitted in drawing refs MI-2822-03-AC-0002, MI-2822-03-DE-100 Rev B, MI-2822-03-DE-103, MI-2822-03-LA-4195-101I, MI-2822-03-LA-4195-201H, with the exception of site clearance and groundworks, no further development shall commence until a Landscape Scheme (a scaled plan or plans) including the following has been provided:**

- a) Full details of all retaining walls including height, size, location and materials;**
- b) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.**
- c) Trees and hedgerow to be removed.**
- d) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
- e) All proposed hardstanding and boundary treatment.**

**Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

**11 With the exception of site clearance and groundworks, no other development shall commence until details of the following have been submitted to and approved in writing by the local planning authority:**

- A specification of the vehicular access.**

**The access shall be implemented in accordance with the agreed details prior to occupation of the development.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**12 With the exception of site clearance and groundwork, no further development shall take place until samples of the materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies HO2.3 and BE1.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy**

**13 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, has been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

**Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the**



Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

14 With the exception of site clearance and groundworks, the following details shall be submitted to and approved in writing by the local planning authority:

- Drainage plans for the disposal of foul and surface water flows;
- Evidence that the required easement for the headwall construction in the watercourse for the surface water discharge has been obtained as this is a Herefordshire Council asset
- Clarification of further details regarding the proposed foul water pumping station to include:
  - Confirmation of the proposed service interval for the pumping station;
  - Details of warning system in respect of water level in the wet well;
  - Details of the monitoring system for the pumping station;
  - Specification for a wireless system that will be used to report failures (including technical product details);
  - Submission of contractor details who can attend site on any day of the year, including bank holidays (if not possible, extra storage details may be required);
  - Provision of a full drawing showing where the required storage will be provided;
  - Float switch Clarification of levels of the following:
    - High Level Alarm (sends alarm to maintenance company);
    - Outlet pipe from Package Treatment Plant into pumping station; and
    - Cover level of pumping station

The development shall be implemented in accordance with the approved details.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Prior to occupation of development

15 The Remediation Scheme, as approved pursuant to condition no. 8 above shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16 Prior to occupation of the development, a schedule of landscape management and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 17 Prior to occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle and mobility scooter parking facilities within the curtilage of the development shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle and mobility scooter parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 18 Prior to the occupation of the development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

- 19 Prior to occupation of the development, refuse and recycling collection arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

#### Compliance

- 20 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 39.5 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 21 The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

**Protected Species Licence (*slow worms*) shall be implemented as recommended in the following:**

- **Reptiles (Middlemarch ref RT-MME-159116-03 dated June 2023);**
- **Bat Surveys (Middlemarch ref RT-MME-159116-02 dated June 2023);**
- **Great Crested Newt Survey (Middlemarch ref RT-MME-159116-05 dated June 2023);**
- **Revised Preliminary Ecology Appraisal (Middlemarch ref RT-MME-159116-01 Ref B dated 30/06/2023);**
- **Licence obtained from Natural England**

**Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy (2015) policies LD1, LD2 and LD3.**

**22 The development shall be carried out strictly in accordance with the following documents and plan:**

- **Tree Constraints Plan (Ref:1571-KC-XX-YTREE-TCP01Rev0);**
- **Amended Tree Protection Plan (Ref: 1571-KC-XX-YTREE-TPP01RevB);**

**Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**23 All hard and soft landscaping (planting, seeding or turf laying) in the approved in the full landscape scheme required by condition x shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling or the completion of the development, whichever is the sooner.**

**Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan.**

**Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**

**24 Car parking shall be laid out in accordance with the Amended Site Plan (Drawing Ref: MI-2822-03-AC-0001) prior to occupation of the development and maintained for the purposes of parking thereafter.**

**The areas shall not thereafter be used for any other purpose than the parking of vehicles.**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**25 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside following hours:**

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working permitted on Sundays or Bank Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31 and HO2.3 of the Ledbury Neighbourhood Development Plan.

- 26 The mitigation measures identified within the submitted Noise Impact Assessment (Ref 1rN10071r1) dated 19 April 2023 shall be implemented prior to occupation of development.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31 and HO2.3 of the Ledbury Neighbourhood Development Plan.

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

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 28 No access gates or doors shall be provided at the site access or internal access road without the prior written approval of the local planning authority.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. Revised documents have been submitted during the course of the application assessment it has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.
3. It is drawn to the applicants attention that a Natural England EPS licence should be obtained prior to commencement of development. Additional surveys may be required for the preparation of the Method Statement. The Method Statement should

**be approved by the local authority's Ecologist prior to submission to Natural England and can form part of the mitigation scheme. The applicant will need to ask the local authority to complete a questionnaire as part of the licence application.**

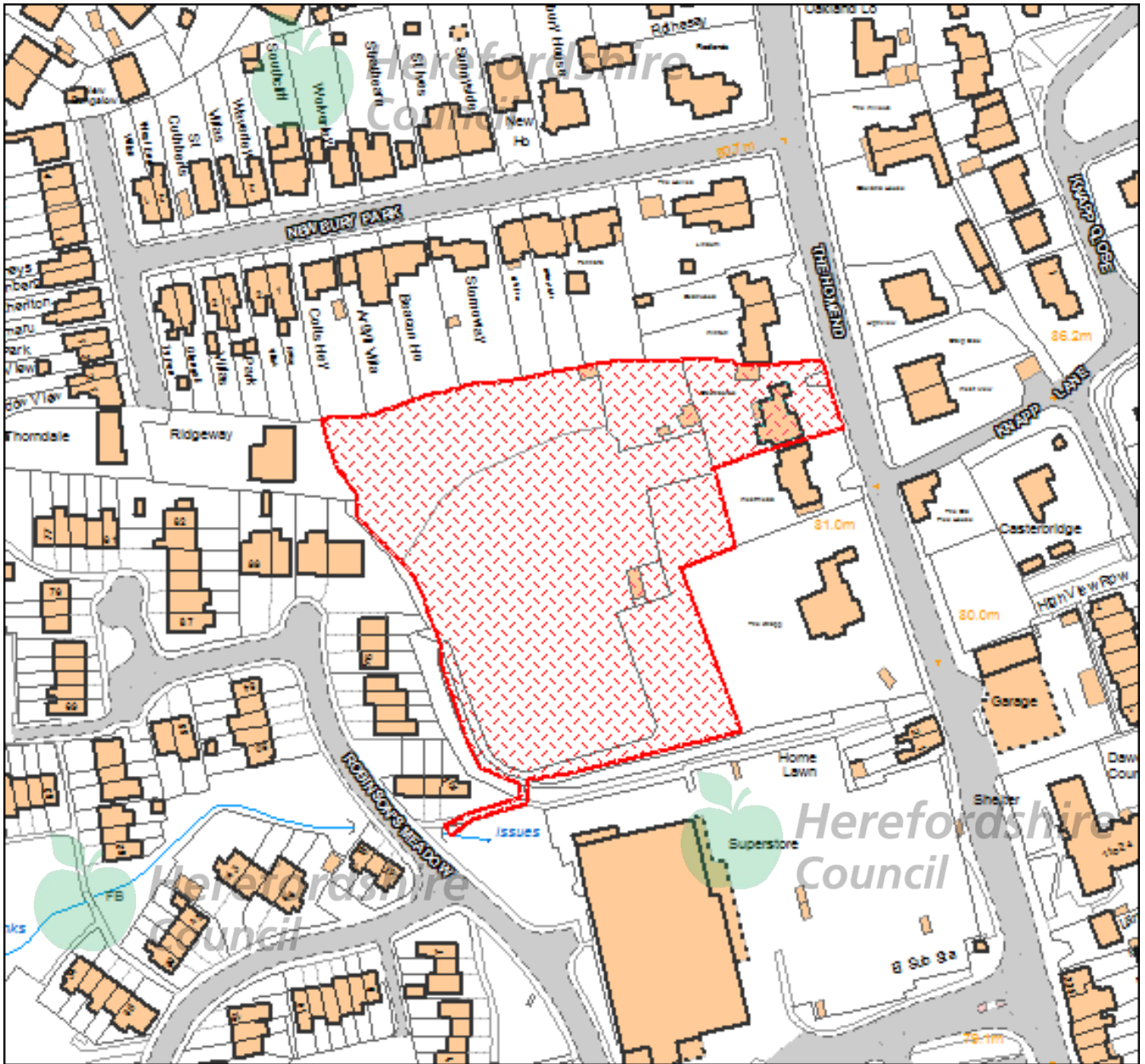
Decision: .....

Notes: .....

.....

**Background Papers**

None identified.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 223248

**SITE ADDRESS :** BUILDING AND CURTILAGE OF GREENACRES BUNGALOW, AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY, HEREFORDSHIRE

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Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 OCTOBER 2023</b>
<b>TITLE OF REPORT:</b>	<b>232106 - PROPOSED ERECTION OF ONE DWELLING, GARAGE AND ASSOCIATED WORKS AT STABLES, BOWLERS LANE, LITTLE BIRCH, HEREFORD, HR2 8BB</b>  <b>For: M Wilson per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232106&amp;search-term=232106">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232106&amp;search-term=232106</a>
<b>Reason Application submitted to Committee - Redirection</b>	

**Date Received: 6 July 2023**  
**Expiry Date: 31 August 2023**  
 Local Members: Cllr T Fagan

**Ward: Birch**

**Grid Ref: 351113,231283**

## 1. Site Description and Proposal

- 1.1 The application relates to a parcel of land comprising a stable block and equestrian lane, located to the south east of Little Birch Village near St Mary's Church. The application site is accessed off Bowlers Lane via existing field opening, the site bounded by mature hedges on all sides except the north which is post and wire fence.
- 1.2 The application seeks permission for the construction of a 3 bedroom bungalow with 3 bay garage, the existing access arrangements would be utilised and the stables demolished. The dwelling would have two components connected by a small link and arranged in an 'L' shape.
- 1.3 The application is also supported by the following reports:
  - Planning Statement- Tompkins Thomas (July 2023)
  - Design and Access Statement (November 2022)
  - Phase 1 Ecological Survey – Heritage Environmental Contractors (August 2022)
  - Landscape Statement Final – John Campion Associates Limited (September 2022)
  - Heritage Appraisal - The Heritage Practice (July 2022)
  - Surface and Foul Water Drainage Strategy – H+H Drainage (December 2022)

## 2. Policies

### 2.1 Herefordshire Local Plan Core Strategy 2011 – 2031(CS)

SS1	-	Presumption in favour of sustainable development
SS2	-	Delivering new homes
SS4	-	Movement and transportation

Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760

- SS6 - Environmental quality and local distinctiveness
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- MT1 - Traffic Management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

The Herefordshire Local Plan 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](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 2.2 Little Birch and Aconbury Neighbourhood Development Plan (NDP)

A referendum for voters within the Little Birch and Aconbury neighbourhood area was held on 30 May 2019 passed. The Little Birch and Aconbury Neighbourhood Development Plan is therefore part of the statutory development plan.

- Policy LBA1: Sustainable development
- Policy LBA2: Development needs and requirements
- Policy LBA3 Little Birch village
- Policy LBA4 Development in Little Birch
- Policy LBA10: Protecting the local environment
- Policy LBA11: Building design

<https://www.herefordshire.gov.uk/directory-record/3077/little-birch-and-aconbury-neighbourhood-development-plan>

## 2.3 National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 11. Making Effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which

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Further information on the subject of this report is available from Ms Elsie Morgan on 01432 260760



are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

### **3. Planning History**

3.1 P224301/F - Proposed erection of one dwelling, garage and associated works – Refused 16 February 2023

Link to application:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=224301&se-arch-term=224301](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=224301&se-arch-term=224301)

### **4. Consultation Summary**

#### Statutory Consultations

#### **4.1 Welsh Water – No objection**

This application is located in an unsewered area and since the proposal intends on utilising an alternative to mains drainage, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

#### **4.2 Historic England – No comment**

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

#### Internal Council Consultations

#### **4.3 Land Drainage – Further information required**

We have reviewed the information provided for the above site. Please can the Applicant clarify if there is any reason why soil testing has not been conducted between the depths of 0.3m-1-5mBGL.

In addition to this, we require the submission of a detailed drainage design drawing which clarifies the proposed drainage layout. It should be noted that soakaways should be located a minimum of 5m from building foundations. The following must be adhered to for Drainage Fields:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.

- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

Further construction details regarding the 'high-level drainage field' must also be provided.

#### 4.4 Highways – No objection with conditions

The proposals are for the construction of a residential dwelling on Land to the north west of St Mary's Church in Little Birch. The site has been subject to a previous planning application Ref: 224301.

The site was refused planning on grounds other than Transport / Highways with the local highway authority previously not having had an objection to the development.

The development proposals are therefore considered acceptable subject to the following conditions. It is also noted that the site is not located in a sustainable location with no real alternative other than the private car.

1) The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2) Any new access gates/doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3) Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking and turning of 2 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4) Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses hereby permitted. Thereafter these facilities shall be maintained;

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5) Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Parking for site operatives

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

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

#### 4.5 Ecology – No objection with conditions

I have read through existing and proposed plans, the Planning Statement by Tompkins Thomas dated July 2023, the Design & Access Statement, the Surface and Foul Water Drainage Strategy by H+H Drainage dated 17 December 2022, and the Phase 1 ecological survey by HEC dated 19 August 2022.

In addition, I have checked the previously refused application 224301 on the same site.

Notes in respect of HRA:

The proposal is for the creation of a one dwelling, garage and associated works.

- The proposal taken from the Surface and Foul Water Drainage Strategy by H+H Drainage dated 17 December 2022, is to manage foul water through a new private package treatment plant.
- Percolation tests have been supplied, showing suitable values for a standard drainage field on site.
- The proposed development creates additional overnight or new residential accommodation.
- The development will see the demolition of extant buildings.
- Additional surface water created can be managed through appropriate existing/additional sustainable drainage systems and local infiltration.

To note the previous application 224301 received no objection from Natural England. There have been no proposed changes between the two applications that could have effects on the HRA process.

No other potential effects on the River Wye SAC are identified for this proposed development at this location.

As all mitigation measures are clearly embedded into the proposed development and plans supplied and approved this application can be considered as ‘screened out’ at Stage 1 of the HRA appropriate assessment process and no formal consultation with Natural England is triggered for this specific application.

Suggested conditions to secure embedded HRA certainty.

Habitat Regulations (River Wye SAC) – Foul and Surface Water Management

All foul water shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage field on land within the boundary; and all surface water shall discharge to appropriate soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

#### Notes in relation to ecology

The Phase 1 ecological survey by HEC dated 19 August 2022 suggests that short-grazed grassland dominates the site and therefore there is limited opportunities for protected species. The hedgerow on the north boundary is the only habitat of note and suggested proposal will not affect it. In addition new trees and hedgerow planting will be placed in the new site under this proposal. Therefore we offer no further ecological comments but would require the following conditions to be carried forward.

#### Conditions

##### Ecological Protection

The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity net gain enhancements, as recommended in the Phase 1 Ecology report by H.E.C. dated 19 August 2022 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation or any biodiversity net gain enhancement features.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006

## 5. Representations

### 5.1 Third Party Representations

25 Letters of support, 1 General Comment and 1 Objection have been received, these have been summarised below:

#### Support

- The design is in keeping and will fit well within the village, use of stone will blend with existing properties
- Modest 3 bedrooms is fitting and will encourage younger families to the area
- Existing stable on site so new dwelling will not have adverse visual impact on the Church or character of the area, good design will enhance the area
- Low lying position surrounded by hedges and trees, no loss of privacy or overlooking to other properties
- The family have come back to the village and want to live here permanently
- Minimum loss of green space and applicants have planted trees on land they own to ensure minimise carbon footprint
- No additional traffic in the area as it is currently used for stabling of horses and entrance is via Bowlers Lane with little impact on Mesne Lane or Ruff Lane
- Other houses have been granted in the area setting precedent and Little Birch has been identified as an area of growth in the Core Strategy
- Remains of a former dwelling on the site
- Assume omission of Ruff Lane from the Neighbourhood Plan is an oversight as it is stretch of tarmac in Little Birch that is not included
- Applicants working from home will cause less traffic and therefore less pollution

### General Comment

- Concern that this type of application could set precedent, the existing temporary structures have only been in existence for few years therefore if this is approved it may allow people to erect temporary structures and shortly after apply for planning permission.

### Objection

- Previous application already refused as it is outside the boundaries of the Neighbourhood Plan, this wording was passed and time and effort was spent on creating the document and that should not be wasted
- Only one yellow notice was put up in a location unlikely to be seen

5.2 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=232106&search-term=232106](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=232106&search-term=232106)

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) and the 'made' Little Birch and Aconbury Neighbourhood Development Plan (NDP). At this time the policies in the NDP can be afforded full weight as set out in paragraph 48 of the National Planning Policy Framework, which itself is a significant material consideration

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

6.4 The NPPF requires that local planning authorities should identify and update annually a supply of housing sites sufficient to provide five years' worth of housing against their housing requirements. Where the existence of a five year land supply cannot be demonstrated, there is a presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. Other factors in this respect can include sites or areas protected as a result of their wider environmental importance or land at risk of flooding.

6.5 Following survey work, the LPA can confirm that the Housing Land Supply as of April 2023 is 5.84 years. Effectively this means that the housing policies in the adopted Core Strategy and made Neighbourhood Development Plans can be considered to be up-to-date and given full weight in decision making. Para 11d of the National Planning Policy Framework (NPPF) is not engaged, as the development plan policies are not deemed 'out of date'. As a result paragraph 14 of the NPPF is not engaged.

- 6.6 The Core Strategy defers, at paragraph 4.8.23, to NDPs as the principle mechanism for rural housing allocation. The NDP does not define a settlement boundary and sets *out a more nuanced approach which gives scope for the principle of development to be assessed at development management stage, whilst still meeting the requirements of the Local Plan Core Strategy to define the main built-up form of the settlement. The extent of Little Birch settlement is defined in policy LBA3 by reference to the matrix of highways, tracks and lanes which serve areas and clusters of development. This recognises the distinctive dispersed pattern of development and provides a basis for this to be respected in considering development proposals.* Policy LBA3 is detailed below:

*Policy LBA3 Little Birch Village*

*The village of Little Birch comprises residential curtilages or other developed plots fronting onto or directly served by lanes and tracks giving vehicular access from:*

- *Barrack Hill*
- *Castle Nibole Road*
- *Pendant Pitch*
- *Chapel Pitch between School Lane and Vaughan Lane*
- *Newtown Lane*
- *School Lane*
- *New Road*
- *Crows Nest Lane*
- *Bannutree Lane*
- *Ruff Lane between Bowlers Lane and Lower House Farm to include the Church*
- *Mense Lane, north side, from the junction of New Road*
- *Parish Lane east side.*

- 6.7 The supporting Planning Statement asserts that the site meets the list under LBA3, of relevance, residential curtilages or other developed plots fronting onto or directly served by lanes and tracks giving vehicular access from, “Ruff lane between Bowlers Lane and Lower House Farm to include the Church”. The policy is worded in a manner that identifies the main built up form and therefore the settlement. The application site and its access lies on Bowlers Lane, the policy states new residential development is supported on Ruff Lane (identified as between Bowlers Lane and Lower House Farm). As the policy is worded such that it does not include Bowlers Lane as part of the identified settlement and suitable for residential development, it is your Officer’s opinion that the principle of development in this location is not supported.

- 6.8 In locations where the site is considered open-countryside, a proposal for residential development falls to be assessed against Policy RA3 of the Core Strategy. This states a list of excepted residential development where sites lie outside of settlements and therefore within open countryside. This can be found below:

1. *meets an agricultural or forestry need or other farm diversification enterprise for a worker to live permanently at or near their place of work and complies with Policy RA4; or*
2. *accompanies and is necessary to the establishment or growth of a rural enterprise, and complies with Policy RA4; or*
3. *involves the replacement of an existing dwelling (with a lawful residential use) that is comparable in size and scale with, and is located in the lawful domestic curtilage, of the existing dwelling; or*
4. *would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting; or*
5. *is rural exception housing in accordance with Policy H2; or*
6. *is of exceptional quality and innovative design satisfying the design criteria set out in Paragraph 55 of the National Planning Policy Framework and achieves sustainable standards of design and construction; or*

7. *is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.*

Based on the information submitted with the proposal, I do not find it the case that the scheme would meet any of these exceptions.

### **Sustainability**

- 6.9 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD2 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.10 All development proposals are considered by the Council to need to help redress the climate emergency and the unsustainable location of the development in this instance is considered unfavourably in this regard as there will be a need for occupants to travel for everyday services. This heightens the need of any proposal to include measures to support low-carbon ways of living & sustainable transport modes.
- 6.11 Though the NDP gives a definition of the settlement through a list of road descriptions, it is considered that the site is not within or adjacent to the 3 main built up forms of the proximal villages being approximately 760 metres from the discernible edge of Kingsthorne, 880 metres from Much Birch and at least 850 metres from Little Birch. It is recognised the site is opposite the church, however there are no facilities and amenities such as shops, healthcare services, schools etc. within proximity of the site. As such, residents would be reliant on private car for day-to-day services with no genuine opportunity for active or sustainable modes of transport.
- 6.12 The majority of local facilities are located at Much Birch with the only designated footpaths from the site being unlit and across fields. Whilst this would offer a form of active travel, this is an informal pathway which has limited accessibility, for example being unsuitable for those with limited mobility or pushchairs. The roads surrounding the site do not benefit from pavements or street lights being narrow and winding with obscured visibility in many places. It is therefore not considered that the site affords safe or convenient access to local facilities given the distance between the site and those amenities, and the unsuitable nature of the footpaths and roads to provide opportunity for sustainable active travel.
- 6.13 The site does not lie on a bus route with the closest marked bus stops being at Kingsthorne and Much Birch and for the reasons outlined above, occupants would be unlikely to access the bus service on a regular basis. The development of this site would therefore fail to offer future occupiers with a genuine choice as to how they may travel, being dependant on the private motor vehicle to undertake everyday activities.

### **Visual impact, heritage matters and amenity**

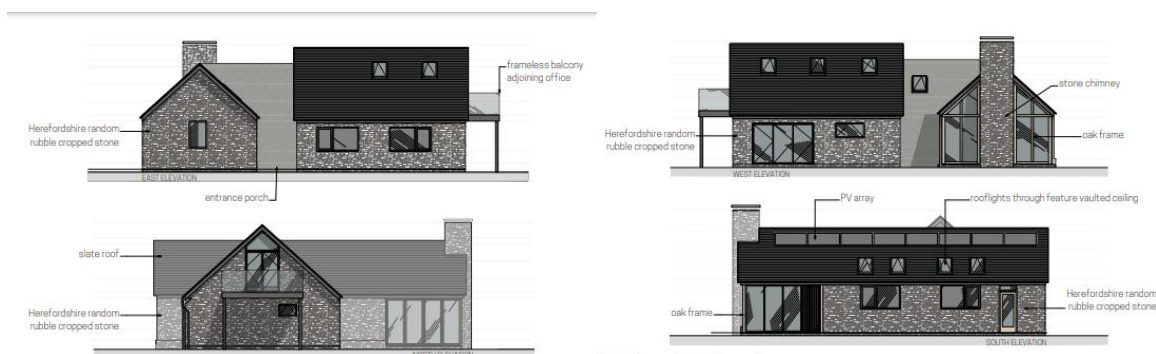
- 6.14 Policy SD1 of the core strategy states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration. This refers to the overshadowing or overlooking of neighbouring properties and how overbearing a structure is.

6.15 Included within the more recently adopted NDP is policy LBA11 which seeks to control building design by requiring development proposals to:

1. respect the character of adjoining development and the wider area by virtue of the siting of buildings on plots, scale, height, massing, architectural detailing and the choice of materials; and
2. incorporate relevant sustainability measures to include building orientation and design, energy and water conservation, the use of sustainable construction methods and materials, and provision for the recycling of waste, cycle storage, communications and broadband technologies, and the generation of renewable energy; and
3. Where external lighting is proposed, ensure it is appropriate to its purpose and avoid adverse amenity and environmental impacts occurring through light spillage; and
4. retain and incorporate existing site features of amenity and biodiversity value, such as trees, ponds and hedgerows, as far as practicable; and
5. provide for new landscaping to integrate new buildings within their surroundings and to support the green infrastructure of the area.

*Modern design approaches which take an innovative approach, including to energy efficiency and sustainability, will be welcomed where they make a positive contribution to the character of the area and contribute to local distinctiveness.*

6.16 The dwelling proposed would be of generally single storey with roof space for office, bathroom and storage provision. The building would comprise two adjoining elements linked by structure housing staircase to the roof space. This would be constructed of painted render, local stone and weatherboard elements, which would not be seen as out of keeping in the locale given the mix of traditional materials. Given the nature of the site and existing hedgerow boundaries, the dwelling would have minimal visual impact using low discreet positioning. Noting the 1 and a half storey nature of the proposed and the relationship with neighbouring dwellings, issues of overshadowing are not anticipated. The proposed garage would be in keeping with the edge of village character, reading as an ancillary structure to the host dwelling. Extracts of the proposed plans are inserted below.



*Proposed Elevations: Drawing Number 1933300*

6.17 CS policy LD1 is a key consideration and alongside LBA10 seek to protect the landscape character of the area and demonstrate that the design, scale and layout has been positively influenced by these characteristics.

The proposed landscaping scheme seeks to mitigate the impact of the proposal from vantage points, primarily through utilising existing site contours and sinking the dwelling along with additional planting of shrubs, grasses and wildflowers which are considered acceptable methods. The application is supported by a Landscape Statement that concludes overall that there would not be an adverse impact on local landscape character as a consequence of the removal of a cluster of stables and sheds and replacement with a coherent dwelling of good design. Whilst it



is accepted that the dwelling would replace existing built form, there is inherent landscape impact when developing in open countryside locations and the introduction of a dwelling in such a location would formalise the character of the site.

- 6.18 CS policy LA4 seeks to protect and where possible enhance the setting of heritage assets and the Council is legally obliged to have special regard to the desirability of protecting such settings. In this instance it is the site's relationship with the Grade II\* Church of St Mary and some of the older properties around it that are relevant.

Though the Building Conservation Officer was not consulted on this submission, they had raised heritage led-objection to the scheme under the previous submission focusing on the rural character of the area being part of the setting of the church, previous use of the site being orchard not residential with the previous dwelling being demolished some time before 1944 and located further away from the church than the proposed, use of contemporary features not found in the local vernacular (glazed balcony with doors on first floor, use of roof space in single storey building, large glazed openings). It is my view that the contemporary features do not have an adverse impact on the setting of the listed asset or surrounding character, however I do concur with the Building Conservation Officer's original comments in that the proposal is not considered redeveloping of the site to its historic form. Given the original dwelling was located further away from the church, the new dwelling would not have an increased impact upon the setting of the asset.

### Highways

- 6.19 The NPPF sets out at paragraph 110 that applications for development should ensure opportunities to promote sustainable transport have been taken, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network or highway safety can be mitigated. Policy MT1 of the Core Strategy is reflective of this approach, as it seeks to promote active travel and development that without adversely affecting the safe and effective flow of traffic on the highway network. Further at paragraph 111 the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.20 The existing access off Bowlers Lane is proposed to be used and it is considered that the site will experience minimal intensification. Though no visibility splays are provided it is considered the existing access is acceptable with sufficient visibility achievable at the junction between Bowlers Lane and Ruff Lane. The Area Engineer has raised no objection to the scheme with sufficient space to accommodate parking and turning, though it is noted that the site is not located in a sustainable location with no real alternative other than the private car.

### Drainage

- 6.21 Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).
- 6.22 The Surface and Foul Water Drainage Strategy that accompanies the proposal states that foul water will discharge to package treatment plant discharging to a drainage field and surface water

would discharge to ground via soakaway. It is noted that the Land Drainage have requested layout and construction details of the drainage system, however given the supporting documentation evidences that appropriate foul and surface water management can be achieved on site, these details can be conditioned and would not be reason to withhold permission. The proposed arrangement is in accordance with the aims of policies SD3 and SD4 and the LPA has no reason to believe this could not be achieved.

### **Habitat Regulation Assessment**

- 6.23 The site is within the Wriggle Brook sub-catchment of the River Wye Special Area of Conservation (SAC); and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' has been formally completed under the recent previous application and this was sent to Natural England for consultation who raised no objections to the conclusions. There have been no proposed changes between the two applications that could have effects on the HRA process.

### **Ecology**

- 6.24 In terms of ecology, Policy LD2 is of direct pertinence. This generally requires that proposals protect, conserve and enhance the county's biodiversity assets and make adequate provision for protected species. The introduction, restoration and enhancement of biodiversity and geodiversity features will be actively encouraged.
- 6.25 The application is supported by a Phase One Ecological Survey, the Council's Ecologist has had sight of this and raises no objection to its findings. The mitigation and enhancement measures and biodiversity enhancements detailed in the Ecological Report could be secured by condition. It is re-iterated that the applicant and any contractors have their own legal duty of care towards wildlife protection under UK Legislation that applies throughout any demolition and construction process.

### **Conclusion and balance**

- 6.26 In accordance with the statutory requirement, determination must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Policy SS1 of the Herefordshire Local Plan Core Strategy (CS) sets out that proposals will be considered in the context of the 'presumption in favour of sustainable development' which is at the heart of national guidance contained within the NPPF. At paragraph 11, the NPPF states that the presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay". Although paragraph 12 affirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. At this time the Development Plan comprises the CS and NDP.
- 6.27 The planning balance is typically assessed under the three overarching objectives of the planning system, namely the economic, social and environmental objectives.
- 6.28 In regards to benefits the proposal would contribute to local housing supply which has benefits in both the economic and social objectives; as there would be support to the local economy during the construction phase, as a result of the new homes bonus and through the spend of proposed residents; and in regards to the social objective it is evident it would provide a home for local family. I attribute limited weight to these matters given the scale of the development would not make a significant contribution economically and the fact the proposal does not meet exception criteria.
- 6.29 The proposal would provide a 3 bedroom dwelling which is a scale identified as needed within the Ross-on-Wye Rural HMA. The proposal would go some way to addressing this undersupply of

plots for self and custom building. I attribute only limited weight to this however as this type of development is not an exception, set out in the development plan, to the spatial strategy for residential development.

- 6.30 The proposal to include on site sustainable energy generation, sustainable drainage systems, electric vehicle charging points and a tight thermal envelope are supported, however they do not outweigh the unsustainability associated with the reliance on motor vehicles for daily activity.
- 6.31 Overall, the location of the site is not one supported by the NDP and would undermine the spatial strategy at a time when it can be demonstrated that at County level housing supply is exceeding target growth. The site would be accessed off Bowlers Lane which is not a lane or track referred to within the NDP policy LBA3 where residential development would be considered acceptable. Therefore, though the proposed development would derive limited benefits in the social, economic and environmental objectives, the adverse impacts of the unsustainable location and associated visual impact of formalising the open-countryside plot within a rural setting would outweigh the limited benefits.

## RECOMMENDATION

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

1. **The application site lies outside of the settlement formally described and identified as being appropriate for residential development within the Little Birch and Aconbury Neighbourhood Development Plan and therefore development of the site would undermine the spatial strategy of the development plan at a time when the Council can demonstrate a sufficient supply of housing land. The proposed development fails to meet any of the exceptions for development outside settlement boundaries, as specified in policy RA3 of the Herefordshire Local Plan – Core Strategy. As a result of the location, away from services and public transport, future occupants of the dwelling would have an undue reliance upon a private motor vehicle to access services and would be more likely to travel further afield, once in private motor vehicles, to access a better range of services and facilities offered beyond the nearby villages. This runs contrary to the aims of policy SS7 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.**
2. **Given the site is considered to be open-countryside, the proposal would cause unjustified harm to the wider rural setting and setting of the Grade II\* listed St Mary’s Church, formalising the landscape character through residential development of the equestrian site. The proposal is hence in conflict with Policy SS6, LD1 and LD4 of the Herefordshire Local Plan Core Strategy, Policy LBA10 of the Little Birch and Aconbury Neighbourhood Development Plan and the National Planning Policy Framework.**

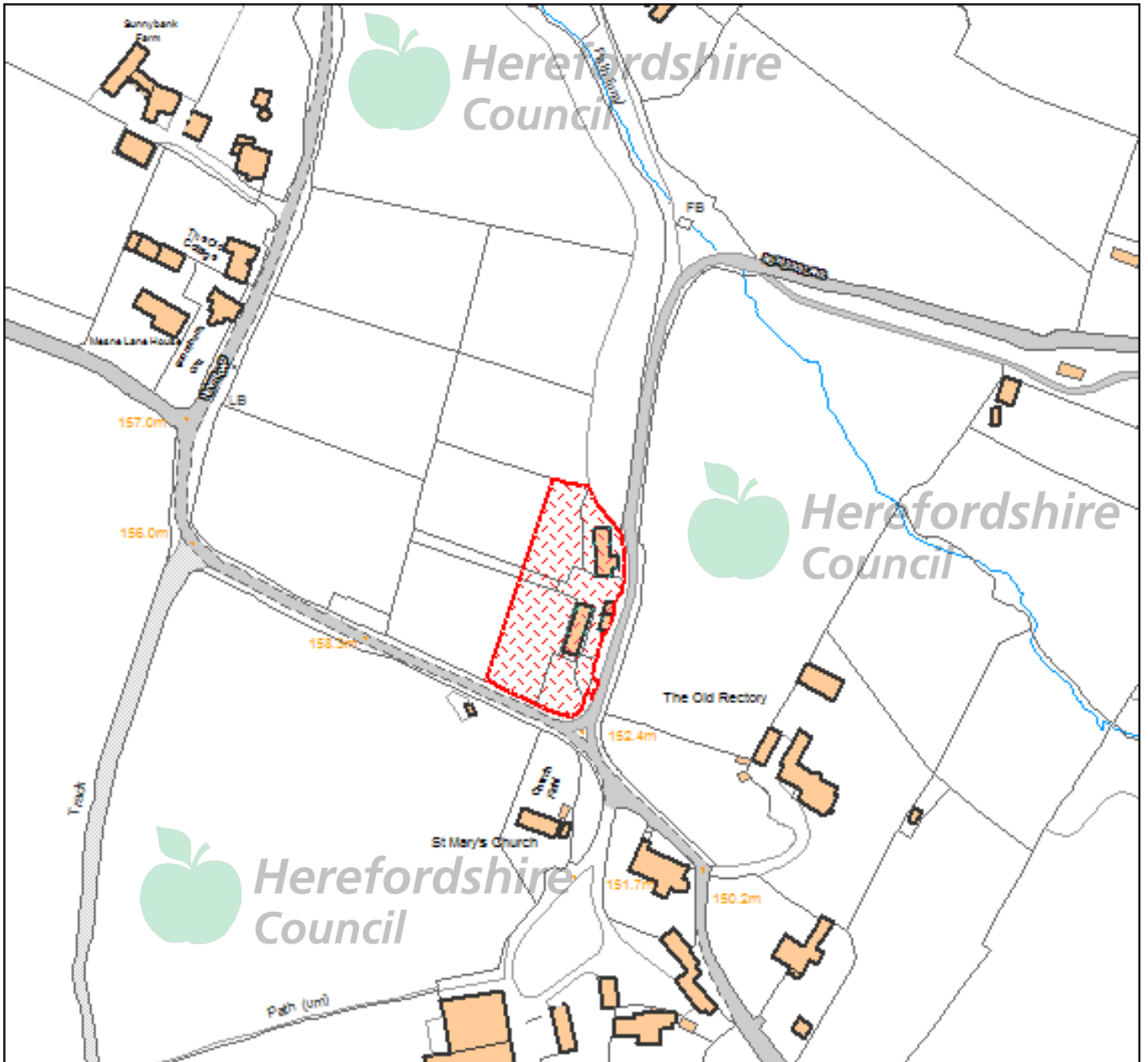
Decision: .....

Notes: .....

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## Background Papers

None identified.



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**APPLICATION NO:** 232106

**SITE ADDRESS :** STABLES, BOWLERS LANE, LITTLE BIRCH, HEREFORD, HR2 8BB

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