

Minutes of the meeting of Planning and Regulatory Committee held at Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 17 January 2024 at 10.00 am

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

Councillors: Polly Andrews, Bruce Baker, Dave Boulter, Simeon Cole, Dave Davies, Elizabeth Foxton, Catherine Gennard, Peter Hamblin, Stef Simmons, John Stone and Richard Thomas

In attendance: Councillor Philip Price

Officers: Georgina Coley, Development Manager Majors Team and Team Leader Area Engineer

57. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Dan Powell and Diana Toynbee.

58. DECLARATIONS OF INTEREST

There were no declarations of interest.

59. MINUTES

RESOLVED: That the minutes of the meeting held on 13 December 2023 be approved.

60. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE (Pages 29 - 40)

Councillor Clare Davies left the committee to act as the local ward member for the following application.

The principal planning officer provided 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 Mr Page spoke on behalf of Bromyard and Winslow Town Council, Mr Whitehorn, local resident, spoke in objection to the application and Mr Smith, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. There was concern regarding the detail in the update sheet outlining the inclusion of a footpath along the A44 in the section 106 agreement. This was a narrow road with inadequate width to accommodate a footway. Pedestrians from the development had alternative walking routes and should be discouraged from walking along the A44. The application was supported but with the removal of the section 106 agreement concerning the footway along the A44.

The committee debated the application. There was support for the application but concern was expressed regarding the proposed footway along the A44. Pedestrians from the

development site should be encouraged to use alternative routes but it was accepted that some pedestrians would walk down to the A44; the provision of a footway along the A44 would provide some safety to these pedestrians.

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 Bruce Baker and seconded by Councillor Stef Simmons. The motion was put to the vote and was carried by a simple majority.

RESOLVED - that

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement within 6 months of the date of Planning Committee to secure:

- **Contributions as set out / requires**
- **Purchase of Phosphate Credits (in full or phased)**

outline planning permission be granted subject to the following conditions and any other further conditions or variations thereof considered necessary by officers named in the scheme of delegation to officers:

Standard

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

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 and layout ;**

- **0687-101 A Amended Location Plan**
- **332310017-STN-HDG-XX-DR-CH-0571-P01 Long Section West Pond**
- **332310017-STN-HDG-XX-DR-CH-0572-P02 Long Section South Pond**
- **332310017-STN-HML-XX-DR-CH-0110-P03 Engineering Strategy**

- 332310017-STN-HML-XX-DR-CH-0111-P03 Engineering Strategy
- 332310017-STN-HML-XX-DR-CH- 0112-P03 Engineering Strategy
- 0687-102 B-A0L Composite Planning Layout
- 0687-102-1 B Planning Layout-A0L
- 0687-102-2 B Planning Layout-A0L
- 0687-104-1 B External Works Layout-A0L
- 0687-104-2 B External Works Layout-A0L
- 0687-104-3 B External Works Layout-A0L
- 0687-104-4 B External Works Layout-A0L
- 0687-104-5 B External Works Layout-A0L
- 0687-104-6 B External Works Layout-A0L
- 0687-104-7 B External Works Layout-A0L
- 0687-104-8 B External Works Layout-A0L
- 0687-111-1 B Refuse Strategy Plan-A0L
- 0687-111-2 B Refuse Strategy Plan-A0L
- 0687-112 B Tenure Allocation Plan-A0L
- 0687-113 B Land Budget Plan-A1P
- 0687-114 B Phasing Plan-A0L
- 332310017-STN-HML-XX-DR-CH-0014-P07 Section 278 Plan
- 332310017-STN-HML-XX-DR-CH-0151- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0152- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0153- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0154- P02 Swept Path Analysis
- 332310017/6001/001 Proposed A44 Site Access Junction Layout

except where otherwise stipulated or approved 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 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Pre-commencement

- 5** Prior to the commencement of development of any phase, a Detailed Development Phasing Plan shall be 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
- Timing of delivery of public open space
- Delivery of drainage infrastructure
- Procedures for amending the phasing plan if subsequently deemed necessary

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 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority.

The Surface Water drainage strategy shall include, but may not be limited to the following;

- Infiltration testing to support the optimum use of SuDS where appropriate;
- a surface water drainage scheme which provides attenuation of a 1: 100 year flood event and includes allowance for climate change: (details measures to be implemented to control and monitor water quality as it discharges from the development into the River Frome).
- provides a management and maintenance plan for the lifetime of the development which shall include the arrangements for its adoption/ownership which may include adoption by any public authority or statutory undertaker and any other arrangements to secure the maintenance and operation of the scheme through its lifetime, and
- phasing of delivery to be included in the approved drainage scheme

The approved scheme shall be implemented before the first use occupation of any of the dwellings hereby approved,

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.

- 7 Prior to the commencement of the development or forming part of any forthcoming reserved matters application(s) which relate to appearance and landscaping, a Noise Risk Assessment of the site shall be submitted in accordance with Stage 1 of the ProPG* guidance and relate to all residential properties to the west of Upper Hardwick Lane. If the risk is found to be more than negligible, then an Acoustic Design Statement must be required in accordance with Stage 2 of the guidance. The statement should demonstrate how the acoustic environment has been taken into account in the design and layout of the site ensuring that the desirable standards set out in BS8233 are achievable wherever possible with the windows partially open.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings when having regard to noise generated by roads and utility services, so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 8 Notwithstanding the visibility splays illustrated on drawing 0687-102 B, no development shall take place until a plan demonstrating visibility splays of 2.4-metres x 33-metres with the splay being delineated by the back of the footway at all junctions, should be provided prior for the approval by the Local Planning Authority.

The approved details shall be maintained accordingly in perpetuity and nothing over 0.6-metre in height should be placed within the splays.

Reason: In the interests of highway safety and to accord with Policy MT1 of the

Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 9 Development shall not begin until a specification of the vehicle access constection at a gradient not steeper than 1 in 12 is submitted to and approved in writing by the Local Planning Authority.**

The construction of the vehicular access shall be carried out in accordance with the approved specification.

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.

- 10 Development shall not begin in relation to any of the specified highways works until details of the works have been submitted to and approved by the Local Planning Authority in writing following the completion of the technical approval process by the local highway authority. The works shall include, but may not be limited to the following;**

- Footway/cycleway from Cherry Tree Close to site (if necessary as part of Section 278)**
- Bus stops/shelters on Winslow Road**
- Lighting of Upper Hardwick Lane between site pedestrian access and footpath to Flaggoners Close**
- Start and fund TRO process to install bollards on Upper Hardwick Lane**

The development shall not be occupied until the scheme has been constructed in accordance with the approved details.

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.

- 11 Development (in each phase) in relation to the provision of road and drainage infrastructure shall not begin until the following details are submitted to and approved in writing to the local planning authority:**

- Surface finishes**
- Drainage details**
- Lighting details**
- Future maintenance arrangements**

The development shall be carried out and thereafter maintained in accordance with the approved details. The works shall be completed prior to the first occupation of any dwelling in the phase.

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, LD1 and LD2 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 12 No development other than demolition and site clearance works shall be undertaken for any phase of the development unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The details supplied shall include information on the levels of all buildings, hard and soft surfaced areas.**

The development shall be undertaken and completed at the levels shown on the approved drawing before the phase is brought into use.

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any 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, LD1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13 No development shall commence until a fully detailed Landscape Ecological Management Plan (LEMP) to cover all phases of development has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but may not be limited to:

i. Aims and objectives of the scheme;

ii. A plan with annotations showing the landscape and habitat or features to be retained, created and managed, including detailed advanced planting scheme covering each phase and any other areas of the site; the restoration, enhancement and management of existing boundary trees and hedgerows;

iii. Measures (including establishment, enhancement and aftercare) for achieving the aims and objectives of management, with time-specific criteria denoting success or a need to implement contingency measures;

iv. A work and maintenance schedule for 30 years and arrangements for beyond this time;

v. The LEMP shall require the collection and removal of any plastic tree guards on completion of aftercare, or specify use of bio-degradable tree guards, and that the application of insecticide or fungicides shall be avoided as shall the use of peat anywhere within the restoration scheme. No fertilisers shall be required or are desirable within the acid grassland habitat.

vi. Monitoring and remedial or contingency measures covering habitats, vegetation, breeding birds, bats, great crested newts, reptiles, notable invertebrates and mammals plus any invasive species or injurious weeds. This shall include measures setting out that in the event of any trees, shrub or hedgerow being damaged or removed by the development, they shall be replaced with like species and equivalent size, which in the case of a mature tree may entail multiple plantings, in the next planting season;

vii. Measures to control and prevent the spread of non-native invasive species; and

viii. Those responsible for implementation of the scheme

The approved plan will be implemented in accordance with the approved details.

Reason: To protect, conserve and enhance the site's value for biodiversity and to maintain the visual and environmental quality of the site, in accordance with Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

14 No development shall commence for that phase, 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 complement 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.

15 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 ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

16 Development (in each phase) shall not begin until details and locations 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.

- 17 Development (in each phase) shall not begin 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
- 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.

- 18 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.

- 19 No development shall take place until a point of connection for foul flows 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.

Pre-occupancy or other stage

- 20 With the exception of any site clearance and groundwork no further development for each phase of the development hereby approved shall commence until details of the play facilities proposed for that respective phase have been submitted and approved in writing. These details should include:**

- a) Detailed specification of the equipment to be provided**
- b) Finished levels and contours**
- c) Surfacing,**
- d) Landscaping,**
- e) Means of enclosure,**
- f) Street furniture.**

The play area shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

- 21 Prior to the first occupation of any dwelling within any phase of residential development hereby approved, and in addition to any landscaping or green infrastructure that may otherwise be required, a detailed scheme detailing locations and specifications for ‘hard’ habitat enhancements to be built into, or attached, to new dwellings including provision of bat roosting bricks/boxes, bird boxes for sparrow and other species (as identified in ecological surveys) and details of hedgehog ‘highways’ through all impermeable boundary features (unless directing hedgehogs on to main distribution roads) should be supplied to and approved in writing by the Local Planning 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

- 22 Prior to the first occupation of any phase 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 until all dwellings are occupied.**

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.

- 23 Prior to the first occupation of any phase of the development hereby approved, 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

- 24 Prior to the first occupation of any phase of the development hereby approved, 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.

- 25 Prior to the first occupation of any phase of the development hereby approved, details of landscape, open space, allotment and community garden management taking account of all areas outside of the curtilage of the dwellinghouses shall be submitted to and approved in writing by the Local Planning Authority.**

The details shall include, but may not be limited to the following; -

- a) a map or plan indicating the management responsibility of each respective area of the proposed development.
- b) a schedule of implementation and maintenance of non-private landscaped areas / open space
- c) 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 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

Compliance

- 26 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

- 27 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

- 28 No external lighting within residential areas 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

- 29 The mix of open-market and affordable housing delivered shall conform with the**

housing mix as set out on approved plan 0687-112 B unless a scheme with a revised mix of housing is subsequently submitted to the Local Planning Authority and approved in writing under the terms of this condition. In such circumstances the mix of housing delivered shall be in accordance with the approved revised scheme.

Reason: To ensure that the development provides an appropriate mix of open-market and affordable housing and to comply with Policies BY2 and H3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 30 The Remediation Scheme, as approved pursuant to Condition 16 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 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 ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

- 31 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 ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

- 32 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following documents and plan:

EDP - Arboricultural Impact Assessment - edp2364_r012b

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.

- 33 Any forthcoming reserved matters application(s) of scale, appearance and landscaping for the relevant phase shall include full details of the proposed allotments.

Reason: In order to ensure an appropriate standard of facility in accordance with Policy BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 34 Any forthcoming reserved matters application(s) of scale, appearance, and landscaping for the relevant phase shall include full details of the proposed play facilities. These details should include:

- a) Detailed specification of the equipment to be provided
- b) Finished levels and contours

- c) Surfacing,
- d) Landscaping,
- e) Any means of enclosure,
- f) Street furniture.

The play facilities shall be constructed in accordance with the approved plans and made available for use prior to the first occupation of the dwellings in each phase hereby approved and thereafter retained.

Reason: In order to comply with Policy OS1, OS2 and BY2 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

There was an adjournment at 11:15 a.m.; the meeting reconvened at 11:28 a.m.

Councillor Clare Davis resumed her seat on the committee.

61. 231560 - DRAKELEY FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ES
(Pages 41 - 44)

Councillor Peter Hamblin left the committee to act as the local ward member for the following application.

The principal 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 Mr Lees, spoke on behalf of Marden Parish Council, Mrs Suart, local resident, spoke in objection to the application and Mr White, on behalf of the applicant, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that the applicant was a successful and significant local business and employer. The current application had involved extensive consultation and a number of representations had been made in objection and support. As a consequence of the representations received the application had been amended. A number of objections focused on highways issues but these had been addressed and it was confirmed that there would be a minor amount of vehicle movements, involving tractors and trailers, to the site.

The committee debated the application. During the course of the debate the committee encouraged the extension of the 30 mph speed limit up to the proposed entrance to the development and the replacement of any hedging lost as a consequence of the entrance to the site.

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 Bruce Baker and seconded by Councillor Richard Thomas. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

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:

Standard 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 listed below, 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. 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 57 metres in an east direction and 57 metres in the west 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, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework

Pre-Commencement Conditions

- 4. Before any work approved under this permission commences, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified ‘responsible person’, shall be supplied to the local planning authority for written approval. The CEMP should include a plan identifying ecological buffers which should be demarcated on site and not entered except under the supervision of the Ecological Clerk of Works. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.**

Reason: To ensure that all species are protected and habitats enhanced 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 policies LD1, LD2 and LD3 and Policy M7 of the Marden Neighbourhood Development Plan.

- 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**
- Site compound 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, Policy M7 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

- 6. 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

- 7 No development approved by this permission including site clearance shall be commenced until a hard and soft landscape scheme has been submitted to 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) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.

d) Confirmation of finished levels across the site to include cross sections in a north to south direction through fields Skymes 2, Skymes 3 and Drakely 1, and in a west to east direction through Skymes 1.

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

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, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

- 8. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

9. **No development approved by this permission shall be commenced until a the following information has been submitted to and approved in writing by the Local Planning Authority:**

1. **Detailed surface water drawings of proposed drainage strategy to include catchment areas as well as the proposed pipe network, proposed storage structures, proposed flow controls, proposed outfalls and other proposed drainage features, with numbers which reference to the drainage calculations.**
2. **Detailed drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system, including conveyance systems;**

The approved details shall be implemented before the first use of the development here by approved and maintained throughout the life time of the development hereby approved.

Reason: In order to secure satisfactory drainage arrangements are provided and to comply with Polices SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M11 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

Compliance conditions

10. **Before the development is first brought into use, a 'Site Management Plan' which clearly sets out the arrangements for all the staff working on the development hereby approved and how the site will be managed and controlled shall be submitted to and approved in writing by the local planning authority. The plan shall include amongst other issues details the noise management across the site; the storage, transfer and disposal of waste; details of fruit traffic management (detailing how fruit will be transported around and from the site); arrangements for welfare facilities; the maintenance of buildings and access track; litter collection and disposal; the control of amplified music; lighting and car parking arrangements. The operation and use of the site shall thereafter be in accordance with the approved management plan.**

Reason: In the interests of amenity of nearby residents and to ensure compliance with Policy SD1 of the Herefordshire Local Plan Core Strategy 2011-2031 and Policy M10 of the Marden Neighbourhood Development plan

11. **Before the development is first brought into use, a Landscape and Ecological Management and Maintenance Plan for a period of 30 years shall be submitted to and approved in writing by the local planning authority. The plan shall incorporate both biodiversity and landscape requirements for establishment and care of the land. The plan approved shall be carried out in full accordance with this approved schedule.**

Reason: To ensure the future establishment of the approved scheme, in order to conform to policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

12. **All planting, seeding or turf laying in the approved landscaping scheme under condition 6 shall be carried out in the first planting season following the**

commencement of development on site. 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, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

Restrictive conditions

- 13. The storage building hereby permitted will be used for the storage of machinery and equipment associated with the growing of soft fruits on the application site and for no other purpose, unless previously agreed in writing by the Local Planning Authority.**

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

- 14. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As amended) and the Town and Country Planning (General Permitted Development) Order 2015 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the polytunnels and development hereby approved shall not be used for any other purpose other than for the growing of soft fruit and vegetables.**

Reason: To enable the Local Planning Authority to give further consideration to the acceptability of any proposed future use and to comply with Policies SD1, LD2 and MT1 of the Herefordshire Local Plan – Core Strategy, Policies M7 and M10 of the Marden Neighbourhood Development plan and the National Planning Policy Framework.

- 15. Any new access gates shall be set back a minimum of 15m metres from the adjoining carriageway edge and shall be made to open inwards only.**

Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M7 of the Marden Neighbourhood Development Plan.

- 16. At no time shall any external lighting except in relation to safe use of the approved development be installed or operated in association with the approved development and no permanently illuminated external lighting on any building within the application boundary under this consent 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 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 and policy M10 of

the Marden Neighbourhood Development Plan.

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

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework and policy M10 of the Marden Neighbourhood Development Plan.

18. None of the Polytunnels (as detailed in drawing number General Arrangement details: DWG No 37.489.2.C23) shall exceed more than 4.5. metres in height above existing ground level.

Reason: In the interest of visual amenity due to the sloping nature of the site and to comply with policy LD1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and policy M10 of the Marden Neighbourhood Development Plan.

19. In the event that the polytunnel development hereby approved in the opinion of the local planning authority ceases to be functionally used, the polytunnels and all associated infrastructure shall be removed from the site within 9 months of the local planning authority indicating to the applicant that the polytunnels have ceased to be operational the land restored to its former condition.

Reason: In the interest of visual amenity and to comply with policy LA1 of the Herefordshire Local Plan Core Strategy 2011- 2031 and Policy M10 of the Marden Neighbourhood Development Plan.

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. 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 Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained.
- 3 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'.

- 4 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.**
- 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 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).**

Councillor Hamblin resumed his seat on the committee.

62. 223199/223432 - BARLEY KNAPP FARM, LONG LANE, PETERCHURCH, HEREFORD, HEREFORDSHIRE, HR2 0TE

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Ms Salter, spoke on behalf of Peterchurch Parish Council, Mr Eacock, local resident, spoke in objection to the application and Mr Tompkins, the applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained concerns with the proposed development. The traffic that would be generated by the construction of the new development would have an adverse and significant impact upon Long Lane in Peterchurch. Concern had been expressed locally over the use of the Class Q permission for the development. The conversion of the barn under Class Q should replicate the shape and form of the original building as closely as possible. There were questions concerning the form of the converted buildings with many local residents expressing the view that this was not acceptable under the Class Q permission. There was concern that the application before the committee did not represent a betterment to the fall-back position under the Class Q permission. There was insufficient capacity in the local water supply and it was queried how the new development would overcome this problem. The proposed discharge of grey water into Black Brook was a concern. The distance of the discharge pipe from the development to the Brook would result in the dispersal of wastewater onto the land before reaching the Brook.

The committee debated the application. There was division among the members of the committee. To some members it was felt that the development represented the protection and enhancement of traditional buildings in the rural locality without a significant, adverse impact on the landscape. It was the contention of other members of the committee that the proposal represented development in open countryside and issues raised by local residents regarding the discharge of wastewater into the local Brook required further investigative work.

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

A motion that application 223199 and application 223432 be approved in accordance with the case officer's recommendations was proposed by Councillor Bruce Baker and seconded by Councillor Elizabeth Foxton. The motion was put to the vote and was carried by a simple majority.

RESOLVED – that:

223199

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. **Time limit for commencement (full permission)**
- 2.
3. **Any new access gates/doors shall be set back 5 metres from the adjoining carrieway 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.

4. **Prior to the first occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works in relation to the driveway/vehicle turning area.**

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.

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 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.

7. With the exception of any site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of at least one electric vehicle charging point per dwelling (excluding the existing farmhouse), shall be 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.

8. 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

9. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out at dwellings referred to on submitted plans as Barn Conversions (B1 & B2), Long Barn House (C) and Embedded House (D).

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. Additionally, in order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

10. Prior to commencement of any development, including groundworks, 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.
- e) An Environmental Colour Assessment (ECA), to inform the choice of external colour of the development/feature/building.

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. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following the occupation of the building 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 (Or other timescale that may be agreed as part of condition 12) 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

12. Before the development is first occupied or brought into use, a schedule of hard and soft landscape maintenance for a period of 10 shall be submitted to and approved in writing by the local planning authority. The schedule shall clearly identify who will take responsibility for which areas (eg: Within domestic curtilage / outside of domestic curtilage and where there is shared responsibility how this will be managed)

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 occupation of development of the new dwellings hereby approved the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) detailed surface water and foul water drainage design plans/construction drawings, including associated calculations
- b) details of the persons / bodies responsible for the future management and maintenance for the foul and surface water drainage systems.

The approved scheme shall be implemented before the first occupation of any of the building hereby permitted and maintained in accordance with the approved details thereafter.

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.

14. **Before any works in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:**
- **Detailed section of the embedded house through grass roof, at terminations of turf roof, and details at eaves at 1:5 scale;**
 - **Details of wall and roof coverings to the long barn;**
 - **Details of wall cladding at 1:5 scale of the embedded house, with a sample of timber and finish;**
 - **Details of rainwater goods and finishes of the embedded house and longbarn;**
 - **Manufacturers details of windows and doors of the embedded house and longbarn**
 - **Flue pipe of the longbarn to be finished in black enamel**

The works shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings and historic setting so as to ensure that the development complies with the requirements of Policy SD1 and LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15. **The ecological mitigation, compensation measures and any required protected species licence, as detailed in Bat Survey Report by Naturally Wild dated September 2022 and the Phase 1 Extended Ecological Survey by HEC dated July 2022 shall be fully implemented and hereafter maintained.**

Reason: To ensure that all species are protected 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.

16. **Prior to any construction work above damp proof course 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) and hedgehog homes must be supplied to and approved in writing by the local authority. The approved scheme shall be implemented in full prior to occupation of the any new residential unit hereby approved and hereafter maintained as approved.**
- 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**

17. **At no time shall any external lighting, except low power (under 550 lumens or 5 Watt), '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 dwelling be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time.**

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.

- 18. As indicated in the Phase 1 Extended Ecological Survey report by HEC dated July 2022 a Construction Environmental Management Plan (CEMP) shall be initiated which will manage any potential impacts to designated sites.**

Before any work; including site clearance or demolition begin or equipment and materials are moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the local planning authority for written approval.

The approved CEMP shall be implemented and remain in place until all work approved under both applications is complete on site and all equipment and spare materials have finally been removed;

Reason: To ensure that all species, habitats and local intrinsically dark landscapes 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.

- 19. Within six months of any of the solar panels/photovoltaic panels hereby permitted becoming redundant, inoperative or permanently unused, those panels and all associated infrastructure shall be removed and re-used, recycled, the materials recovered, or be finally and safely disposed of to an appropriate licensed waste facility, in that order of preference and land reinstated to former condition.**

Reason: To ensure a satisfactory form of development, avoid any eyesore from redundant plant, prevent pollution, and safeguard the environment when the materials reach their end of life, in accordance with Policies SD1 and SD2 of the 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. 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 Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special "high status protected species" such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected**

- from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.
- 3.

- The applicant is advised by Welsh Water 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). Further information can be found via: <https://www.dwrcymru.com/en>
- 4.

A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed

223432

That Listed Building Consent 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. CE7 Time period
2. Development in accordance with approved plans and materials
3. Before any works on the Farm House in relation to the materials specified below begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:
 - Sample of stone tile
 - Roof and wall insulation at 1:10 scale
 - Replacement walling stone, mortar samples, a sample area of repointing and any limewashing of masonry
 - Details of projecting modern concrete window sill removal
 - External joinery details at 1:2 scale, including materials and finish
 - Detail of handrail to external stairs

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Before any works on the Farmhouse in relation to the materials specified below

begins, details of the following construction materials shall be submitted to and approved in writing by the Local Planning Authority:

- **Details of roof covering and flue pipes that shall be black enamelled finish**
- **Samples of any replacement walling stone, lime mortar and a sample area of re-pointing**
- **Details of external wall cladding and external timber joinery**
- **Details of ground floor structure and finishes**

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 5. Prior to commencement of works to the Timber structure, any replacement found necessary due to defects shall be detailed and a scheme of repair/replacement submitted to and approved in writing by the Local Planning Authority.**

The works shall be completed in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with Policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6. Details of the material, sectional profile, fixings and colour scheme for Rainwater goods of the farm house and threshing barn (gutters, downpipes, hopper-heads and soil pipes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this element of works. The development shall be carried out in accordance with the approved details.**

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 7. The roof windows to the farmhouse and threshing barn shall be of the traditional low profile metal pattern and details at 1:2 or 1:5 shall be submitted to and approved in writing by the Local Planning Authority before commencement of relevant works. The development shall be carried out in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the listed building, in accordance with policy LD4 of the Herefordshire Local Plan - Core Strategy, the National Planning Policy Framework and under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES:

- 1. This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the**

Building Regulations, by the County Fire Service or by Environmental Health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution. For works of Demolition attention is drawn to Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that works of demolition should not commence until notice has been given to the RCHME.

63. 233080 - WESTERINGS, KINGTON, HEREFORDSHIRE, HR5 3HE

Councillor Terry James left the committee to act as the ward member for the following application.

Councillors Polly Andrews and Elizabeth Foxton left the meeting at 1:34 p.m.

Councillor Claire Davis assumed the chair for the following application.

The Planning Officer gave a presentation on the application.

In accordance with the council's constitution the local ward member spoke on the application.

The committee debated the application.

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 John Stone. The motion was put to the vote and was carried unanimously.

RESOLVED – that:

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:

That planning permission be granted subject to the following conditions:

- 1. C01 – Time limit for commencement (full permission)**
- 2. C07 – Development in accordance with approved plans and materials**

INFORMATIVES:

- 1. IP1 – Application approved without amendment**

The meeting ended at 1.45 pm

Chairperson

PLANNING COMMITTEE

Date: 17 JANUARY 2024

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

163932 - OUTLINE PLANNING 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. DETAILED APPROVAL IS SOUGHT FOR PRINCIPAL MEANS OF ACCESS AND LAYOUT WITH ALL OTHER MATTERS RESERVED AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

For: Vistry Homes Limited and Mosaic Estates per Russell Smith, McLoughlin Planning, 119 Promenade, Cheltenham, GL50 1NW

AGENT'S RESPONSE TO THE LOCAL HIGHWAY AUTHORITY (LHA) COMMENTS

The applicant's agent has provided a response to the LHA comments which was also circulated to Members of the Planning Committee on 11 January 2023. The response has also been published to the relevant application page on the Herefordshire Council website.

ADDITIONAL CONSULTATION RESPONSES

Herefordshire and Worcestershire Clinical Commission Group – updated comment- 16/1/24 – see Appendix 1.

An updated draft Heads of Terms is provided in **Figure 1** to reflect the changes sought by the CCG.

OFFICER COMMENTS

With respect to the response provide by the agent's response to the LHA comments 11 January 2023, the following comments and updates can be provided on the following matters; -

Additional transport contributions for footway improvements along the A44;

Paragraph 7.35 of the Committee Report advises that additional contributions would be sought to provide the footway improvements between Upper Hardwick Lane and Winslow Road that have been omitted from the scheme. This is in response to the comments provided by the LHA.

It should be noted that Planning Practice Guidance advises that planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

As per the LHA comments, the view is taken that notwithstanding the conclusions of the Stage 1 Road Safety Audit (RSA), improvements along the southern section of Upper Hardwick Lane should be provided, together with the widening of the footway along the northern side of the A44 between Upper Hardwick Lane and Winslow Road. It is considered that the additional contributions sought (as set out in **Figure 1**) would be required to make the development acceptable in planning terms. It is clearly directly related to the development insofar it would provide acceptable pedestrian connections from the development to services and facilities within Bromyard, namely the Queen Elizabeth High School. On the basis that it is anticipated that pedestrians would use Upper Hardwick Lane to access the aforementioned, it is in turn considered that the additional contributions are fairly and reasonably related in scale and kind to the development.

Offering of 3-metre strip between Upper Hardwick Lane and site access with A44

Condition 36 is removed. Following further consideration is considered that the condition does not meet the six tests as set out at Paragraph 56 of the NPPF. The requirement for the developer to make a strip of land available to enable adoption / aspirations of wider connectivity is not necessary to make this development acceptable when having regard to the requirements of Policy BY2 of the Core Strategy. It is also therefore not considered reasonable in all other respects.

Visibility splays

In addition to the above, the following update / corrections to the published Committee Report should be noted.

Updated list of relevant policies

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
BY1	Development in Bromyard
BY2	Land at Hardwick Bank
RA1	Rural housing distribution
RA2	Housing in settlements outside Hereford and the market towns
H1	Affordable housing – thresholds and targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
OS2	Meeting open space, sports and recreation needs
MT1	Traffic management, highway safety and promoting active travel
LD1	Landscape and townscape
LD2	Biodiversity and Geodiversity
LD3	Green infrastructure
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
SD4	Water treatment and river water quality
ID1	Infrastructure delivery

Correction to Paragraph 7.26

Corrected to read as follows; -

As set out within the latest comments from the LHA, there are a number of persisting issues relating to the design of the spine road. These relate to incorrectly drawn and demonstrated Visibility splays. These broadly **not** would appear to compromise the delivery of the layout of the development as currently under consideration and therefore officers are satisfied that details could be supplied at a later stage, through planning conditions. Such details would be required for the road to be adopted through Section 38 of the Highways Act, but are otherwise required to be set out in the interests of highway safety in accordance with Policy MT1 of the Core Strategy.

Update / clarification to Paragraph 7.53

The Section 106 agreement would secure a minimum of 0.23 ha (2300sqm) of POS (@ 0.4ha per 1000 population) and 0.46ha of children’s play. However, it should be noted that the development incorporates 3.76ha of open-space (excluding the drainage infrastructure - - i.e attenuation features) which includes opportunities for equipped play and trim trial equipment, allotments and orchards which accords with Core Strategy Policy OS1 and OS2.

Update / clarification to Paragraph 7.99

The wording of Condition 3 (approved plans) and Condition 30 (housing mix) is such which allows for a change to the housing mix to be approved by the Local Planning Authority

UPDATE TO SECTION 106 DRAFT HEADS OF TERMS

As per the above updates, the following revised Section 106 Draft Heads of Terms table is provided. This also accounts for contributions towards library provision. Updates are shown in **red**.

Infrastructure	Quantum of contribution
Affordable Housing	40% of the residential units will be affordable dwellings intended for occupation as First Homes, Affordable Rented and Shared Ownership tenure with local priority to Bromyard.
Healthcare contribution	A financial contribution of £652.80 (index linked) 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"> • £4,566.00 (index linked) per 2 bedroom open market dwelling • £4,566.00 (index linked) per 3 bedroom open market dwelling • £8,798.00 (index linked) per 4 bedroom open market dwelling to provide the education facilities at Bromyard Early

	<p>Years, St Peters Primary School, Queen Elizabeth Humanities College, Bromyard Youth and Special Education Needs.</p> <p>In addition the developer is required to transfer land for an extension to St Peters Primary School at nil consideration with all rights of access.</p> <p>If the transfer does not proceed having used all reasonable endeavours to do so then the payment of a financial contribution towards St Peters will be paid in lieu of the land as follows;</p> <ul style="list-style-type: none"> • £3,063.00 (index linked) per 2 bedroom open market dwelling • £3,063.00 (index linked) per 3 bedroom open market dwelling • £5,018.00 (index linked) per 4 bedroom open market dwelling
Recycling and waste contribution	A financial contribution of £80.00 (index linked) per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of £1,398.00 (index linked) per open market dwelling to provide sports facilities for football, cricket, rugby, tennis, shooting, archery and skate park in Bromyard
Transport contribution (<i>Sustainable Active Travel Measures</i>)	<p>A financial contribution of;</p> <ul style="list-style-type: none"> • £2,458.00 (index linked) per 2 bedroom open market dwelling • £3,690.00 (index linked) per 3 bedroom open market dwelling • £4,917.00 (index linked) per 4 bedroom open market dwelling <p>The monies shall be used by Herefordshire Council towards the costs of public realm improvements and</p>

	<p>supporting active travel measures <i>which may include;</i></p> <ul style="list-style-type: none"> • <i>Pedestrian/crossing improvements on Tenbury Road close to Winslow Road junction</i> • <i>Footpath improvements between the site and the Town Centre</i> • <i>Relocation of the bus station to the A44</i> • <i>Broad Street and High Street HGV Access Restrictions</i> • <i>Broad Street and High Street 20mph limit</i> • <i>Pump Street HGV Access Restrictions</i> • <i>New Road HGV Access Restrictions</i> • <i>Cruxwell Street Parking Charges</i> • <i>Rowberry Street Parking Charges</i> • <i>Winslow Road HGV Access Restrictions</i> • <i>Station Road improvements</i> • <i>Hardwick Bank: improvements to the public rights of way</i> • <i>A44 pedestrian subway improvements with potential closure and at grade crossing</i>
<p><i>A44 footway improvements (to be delivered in lieu of s278 delivery by the applicant)</i></p>	<p><i>The full costs of the s278 works have been costed by the applicant. The costings will be reviewed and the A44 footway improvements costs will be extracted and secured in the section 106 agreement</i></p>
<p><i>Library contribution</i></p>	<p><i>The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;</i></p> <p><i>£120.00</i> <i> (index linked) 1 bedroom open market dwelling</i></p> <p><i>£146.00</i> <i> (index linked) for a 2 bedroom open market dwelling</i></p> <p><i>£198.00</i> <i> (index linked) for a 3 bedroom open market dwelling</i></p> <p><i>£241.00</i> <i> (index linked) for a 4+ bedroom open market dwelling</i></p> <p><i>The contribution will provide for improved library infrastructure at Bromyard library</i></p>
<p>On site Public Open Space and Play</p>	<p>The developer covenants with Herefordshire Council to provide a <u>minimum</u> of 6,900ha (6900sqm) of on-site green infrastructure comprising;</p> <ul style="list-style-type: none"> • 0.23 ha (2300sqm) of Public Open Space (@ 0.4ha per 1000 population)

	<ul style="list-style-type: none"> • 0.46ha (2200sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.14ha (1,400sqm) should be formal children's play. (@ 0.25ha per 1000 population) to the value of £182,000.00 <p>The management and maintenance of any on site POS and allotments will be by two management companies 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"> • 35.08kg = £491,120.00

Figure 1 – Updated Section 106 Draft Heads of Terms

CHANGES TO SCHEDULE OF CONDITIONS

Condition 22 (EV Charging) – Removed as required by Building Regulations.

Condition 36 (3-metre strip) – Removed.

NO CHANGE TO RECOMMENDATION

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hw.primarycare@nhs.net

Yvonne Coleman
Development Manager
Planning Services
Herefordshire Council
PO Box 4
Hereford
HR4 0XH

Planning Ref: 16 3932

16 January 2024

Dear Sir / Madam

Hardwick Bank, Bromyard, Herefordshire

Planning Application 163932

1.0 Introduction

1.1 Thank you for consulting NHS Herefordshire and Worcestershire on the above planning application.

1.2 I refer to the above planning application and advise that, further to a review of the applicant's submission, and concurrent with a refresh of the ICS Estates Strategy and a more strategic view of developments, the following comments are with regard to the primary healthcare provision on behalf of Herefordshire & Worcestershire Integrated Care Board (ICB).

2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire ICB would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

3.1 A Healthcare Impact Assessment (HIA) has been prepared by Herefordshire and Worcestershire ICB to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

4.0 Assessment of Development Impact on Existing Healthcare Provision

4.1 The development could generate approximately 600 residents and subsequently increase demand upon existing services.

4.2 The development would have an impact on primary healthcare provision in the area and the proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.0 Healthcare Needs Arising From the Proposed Development

5.1 The intention of Herefordshire and Worcestershire ICB is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View and the Fuller Stocktake Report: Next Steps for Integrating Primary Care.

5.2 The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.

5.3 This housing development falls within the boundary of a practice which is a member of the East Herefordshire Primary Care Network (PCN) and, as such, a number of services for these patients may be provided elsewhere within the PCN. The ICB would therefore wish to secure the funding for the East Herefordshire PCN for the patients within this vicinity.

5.4 The table below provides the Capital Cost Calculation of additional primary healthcare services relating to the development proposal.

Primary Care Network	Additional Population Growth (250 dwellings) ¹	Floorspace required to meet growth (m ²) ²	Capital required to create additional floor space (£) ³
East Herefordshire PCN	600	40.8	163,200

Notes:

1. Calculated using an average household size of 2.4 taken from the 2021 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
2. Based on 120m² per 1750 patients (this is an average list size for a single GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Based on a locally agreed m² cost multiplier for primary healthcare construction prices, adjusted for professional fees, fit out and contingencies (£4,000/m²).

5.5 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 **£163,200**. Payment should be made before the development commences.

5.6 Herefordshire and Worcestershire ICB therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

6.0 Conclusions

6.1 In its capacity as the primary healthcare commissioner, Herefordshire and Worcestershire ICB has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.
- 6.3 Assuming the above is considered in conjunction with the current application process, Herefordshire and Worcestershire ICB would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.4 The terms set out above are those that Herefordshire and Worcestershire ICB deem appropriate having regard to the formulated needs arising from the development.
- 6.5 Herefordshire and Worcestershire ICB is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the National Planning Policy Framework (NPPF).
- 6.6 Herefordshire and Worcestershire ICB looks forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

Yours faithfully



Jo Hall
Primary Care Commissioning Manager

231560 - TO ERECT UP TO 9.5 HECTARES OF FIXED POLYTUNNELS OVER ARABLE (SOFT FRUIT); THE RELOCATION AND UPGRADING OF A FARM ACCESS/EGRESS ON THE C1124; THE ERECTION OF A 648 M2 PROFILED-STEEL-CLAD PORTAL FRAME GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING; THE ERECTION OF 6 NO. 14.7 METRE DIAMETER 600 M3 CAPACITY WATER STORAGE TANKS, LAYING OUT AT DRAKELEY FARM, MARDEN, HEREFORD, HR1 3ES

For: Mr Kerr per Mr Antony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

ADDITIONAL REPRESENTATIONS

Addition representation received by local resident reported below:

Further to my message left on your answer phone yesterday, as time is very limited until this application goes to committee on Wednesday 18th, just 7 days from an email informing of this, I feel the only way I can communicate with you is this way, I hope you will have the courtesy and find time to read this.

Firstly, I do feel the way that this and the previous application, P221524 have been presented to the public, is very confusing, misleading, unfair, often upsetting. S&A Produce have very often been shy with the whole full story, trying to steal away from putting the actual picture to the parishioners. The supporting letters from advisors and influencers, do not in any way, show the full impact that this application, if granted, will have on this small parish, narrow country lanes and surrounding areas and villages, who do already suffer with the numerous large vehicles and arctic Lorrie's travelling to and from S&A Produce, seven days a week. I do question if all the supporting letters were written by company's and private individuals who visited the area? Are they at all familiar with the road network and the make up of the community.

The above paragraph leads me on to: when this application was publicised on 9th June, 2023 yellow notices posted in various places, comments were to be registered by 7th July, 2023. I am surly justified in saying this is a ridiculous short amount of time for objection letters to be submitted, it was in many cases, some days before parishioners were even aware of the new application being submitted. The amount of supporting documents for this application were literally hundreds of pages long, which to write a meaningful letter of objection had to be studied and digested, time consuming. Do you not wonder why only 22 letters were registered? Also many very interested locals, I spoke to, were unaware that this was a new application with new application number, therefore requiring them to write in for the third time with their views, there was no time to spread the word. The previous two applications were under the same application number therefore all letters written in for the May 2022 notification should and I hope did still stand for the revised application in January 2023. I revisited the application on line when I read the email from council on 10th to refresh my memory and study documents. I was very shocked to read comments by 14th December 2023. Can you please explain this revised date and

why it was not brought to our attention, not even to the attention of the parish council, I understand, this is shocking. The same concerns regarding the previous application (P221524) are as strong as for this present application and should still stand, and be recorded and counted as such.

We are extremely disappointed and shocked to have been given only 6 days for the parish, also Parish Council, to prepare for their 3 minute final speak on this very important moment for the future of our Parish. We have been fighting this application for two years, obviously the 'three minutes' needs to be very carefully planned, discussed with all those concerned and put forward by the right speaker, those who would have taken on this important roll have work commitments and are unable to step in at such short notice. I would ask for your understanding and to consider postponing this meeting, reschedule for a later date when more time can be given to the very important preparation needed in putting forward our final case.

OFFICER COMMENTS

Response to additional representation

To provide clarification on the date of publicising and consultation on applications there is a statutory period of 21 days from the date on any notification letter, or press or site notice, to allow for comments to be submitted. This date is always taken from the latest action date, giving people the maximum possible time to respond. Anyone can comment on a planning application and all representation received on an application will be considered up until its determination.

Although this application was a resubmission of application P221524, it is considered a separate proposal. As with all planning applications there is a requirement for separate consultations and publicising to be carried out on the proposal put forward. Representations and comments made on previous applications cannot be considered as the proposal needs to be judged and assessed individually on its own merits.

If during an application process amended drawings or additional supporting documents are received, Officers will arrange for the amended consultations to be carried out. This occurred during this application on the 6 October 2023 due to the submission of a Flood Risk Assessment and Nutrient Neutrality Assessment. Further site notices were posted and the website re-opened to allow for further comments.

Further minor amendments were received in relation to the drainage strategy following concerns raised by the drainage officer relating to the proposed Basin 1. On receipt of the amendments the Drainage Officer was re-consulted and documents published on the website. At the same time, due to some concerns raised within representations received, Officers requested that the Councils Archaeologist was consulted. The website was reopened to allow for comments. Due to the minor scale of the amendments received Officers did not feel it was necessary to post site notices in the local area.

All required statutory procedures and timescales have been adhered to by Officers and there is not considered to be any reason to delay the determination of the application.

Correction to paragraph 1.9 of report

For clarification it should read that the reservoir is located outside of the application site.

Clarification on site levels

Following the committee site visit, condition 7 has been amended to include details of finished site levels to be agreed. See change to recommendation below.

Clarification on seasonal worker accommodation

Correction to paragraph 1.3:-

It is stated that S & A currently employ 425 seasonal workers. This should quote 395. In a letter dated the 5th October 2023 addressing the Parish Council comments the applicants confirm at point 26 that seasonal workers will increase from 395 to 425, with 5 additional permanent staff.

For clarification application 184613/F granted permission for accommodation of up to 850 workers at Brook Farm (162 static caravans, 44 demountable buildings and 110 persons within accommodation block).

Concerns relating to local pond and water system

Commentary is provided at paragraph 4.6 by the Councils Planning Ecologist. The Councils completed HRA identified a nett reduction in agricultural pathway for nutrients into the Lugg SAC catchment by reducing rainfall and water movements through existing top soil and reducing the pathway for 'legacy' P to enter the hydrological catchment. Clean surface water created by the proposed tunnels is to be utilised to provide required crop irrigation with any excess being diverted in to the local pond systems to maintain their biodiversity potential. All irrigation water is managed on a demand and supply basis and any outfall from the table top cultivation systems is directly recycled so any residual nutrients remain within the closed system.

CHANGE TO RECOMMENDATION

Amendment to condition 7 to capture finished ground levels.

7. No development approved by this permission including site clearance shall be commenced until a hard and soft landscape scheme has been submitted to 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) Full details of all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation and irrigation details.
 - d) Confirmation of finished levels across the site to include cross sections in a north to south direction through fields Skymes 2, Skymes 3 and Drakely 1, and in a west to east direction through Skymes 1.

The scheme as approved shall be completed in full not later than the end of the first planting season following the commencement of the development on site hereby permitted.

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, Policies M7 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

