Herefordshire Council

Agenda

Planning and Regulatory Committee

Date: **Wednesday 29 July 2026**

Time: **10.00 am**

Place: **Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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

Agenda for the meeting of the Planning and Regulatory Committee

Membership

Chairperson	**Councillor Terry James**
Vice-chairperson	**Councillor Clare Davies**
	Councillor Polly Andrews
	Councillor Bruce Baker
	Councillor Jacqui Carwardine
	Councillor Simeon Cole
	Councillor Dave Davies
	Councillor Matthew Engel
	Councillor Catherine Gennard
	Councillor Peter Hamblin
	Councillor Stef Simmons
	Councillor John Stone
	Councillor Charlotte Taylor
	Councillor Richard Thomas
	Councillor Mark Woodall

Agenda

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	PUBLIC INFORMATION	
	GUIDE TO THE COMMITTEE	
	NOLAN PRINCIPLES	
1.	**APOLOGIES FOR ABSENCE** To receive apologies for absence.	
2.	**NAMED SUBSTITUTES (IF ANY)** To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	**DECLARATIONS OF INTEREST** To receive declarations of interests in respect of items on the agenda.	
4.	**MINUTES** To approve the minutes of the meeting held on 3 June 2026.	13 - 94
5.	**CHAIRPERSON'S ANNOUNCEMENTS** To receive any announcements from the Chairperson.	
6.	**163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE** 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.	95 - 294
7.	**DATE OF NEXT MEETING** Date of next site inspection – 8 September 2026 Date of next meeting – 9 September 2026	

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.
The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

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Travelling to the meeting

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

Herefordshire Council

Guide to Planning and Regulatory Committee

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

Councillor Terry James (Chairperson)	Liberal Democrat
Councillor Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Matthew Engel	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Charlotte Taylor	Independent for Herefordshire
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

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

(a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure

(b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy

(c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application

(d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application

(e) the application, in the view of the service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan

(f) the application, in the reasonable opinion of the service director, regulatory, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or

(g) in any other circumstances where the service director, regulatory, believes the application is such that it requires a decision by the planning and regulatory committee.

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

Who attends planning and regulatory committee meetings?

The following attend the committee:

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

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

How an application is considered by the Committee

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

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

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

The Committee will then debate the matter.

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

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

The Committee then votes on whatever recommendations are proposed.

Public Speaking

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

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

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

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

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

Role of the local ward member

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

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

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

Herefordshire Council

The Seven Principles of Public Life

(Nolan Principles)

1. Selflessness

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

2. Integrity

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

3. Objectivity

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

4. Accountability

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

5. Openness

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

6. Honesty

Holders of public office should be truthful.

7. Leadership

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

Herefordshire Council

Minutes of the meeting of Planning and Regulatory Committee held at Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE on Wednesday 3 June 2026 at 10.00 am

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

Councillors: Polly Andrews, Bruce Baker, Jacqui Carwardine, Simeon Cole, Dave Davies, Matthew Engel, Catherine Gennard, Peter Hamblin, Stef Simmons, Charlotte Taylor, Richard Thomas and Mark Woodall

Officers: **Legal Adviser, Development Manager Majors Team and Highways Adviser**

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Stone.

2. NAMED SUBSTITUTES (IF ANY)

There were no substitutes.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED: That the minutes of the meeting held on 8 April 2026 be approved.

Councillor Jacqui Carwardine joined the meeting at 10:05 a.m.

5. 242558 - LAND TO THE SOUTH OF LOWER BULLINGHAM, WEST OF THE ROTHERWAS INDUSTRIAL ESTATE, NORTH OF THE ROTHERWAS, HEREFORD, HR2 6JW (PAGES 25 - 82)

Councillor Dave Davies and Councillor Richard Thomas acted as local ward members for the application below.

The principal planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking a statement was read on behalf of Ms Bowell, in objection to the application, and Mr Rawlings, the applicant, spoke in support.

In accordance with the council's constitution the local ward member for Dinedor Hill electoral division spoke on the application. In summary, he explained that:

- The allocation of the site was contained within the core strategy under policy HD6.
- It was understood that the allocated site was proposed to have been supported by the provision of key infrastructure in the form of a western or eastern bypass.
- The proposed development contained a significant amount of affordable housing which was positive.
- The provision of an employment site through the application was supported.
- It was understood that the park and choose facility would be considered in due course
- There existed a number of areas of concern within the local community regarding the application site.
- Flooding was a significant issue in the locality and in times of significant rainfall local highways became impassable. The proposed closure of Lower Bullingham Lane and Watery Lane would undermine the ability of local residents in existing estates to leave their houses by car during heavy rainfall when Holme Lacy Road and Hoarwithy Road were blocked. The proposed closures would also impact upon businesses on Watery Lane.
- The proposed roundabout on the Rotherwas Relief Road was supported and the final design should take account of the size of vehicles leaving Rotherwas to access the A49.
- The proposed access to the new development from the Hoarwithy Road was proposed for a section of the highway which was narrow and not felt to be safe as a point of access.

In accordance with the council's constitution the local ward member for Wormside electoral division spoke on the application. In summary, he explained that:

- Due to the topography of the land it was not felt that sport pitches were feasible in the proposed park.
- There was concern regarding flooding in Watery Lane and the impact of the new development on local incidents of flooding.
- The proposed roundabout on the Rotherwas Relief Road would be accessed by a significant number of local residents to the proposed site. There was concern that the interaction between those local residents and HGVs accessing the Rotherwas industrial estates would pose an impact on highway safety. Careful consideration of this interaction was required in the final design of the roundabout.

The committee debated the application and the following principal points were raised:

- Incidents of heavy rainfall and extreme weather was increasing in frequency and there was concern at the number of days that access to the proposed site and existing developments would be constrained by flooding.
- It was noted that there were positive active travel elements contained within the application.
- The proportion of affordable housing contained within the application was welcomed.
- In the flooding emergency plan, the safety of the proposed alternative access for pedestrians and cyclists along the Rotherwas Relief Road was queried. During periods of heavy rainfall when identified active travel routes to the site were impassable the Plan suggested access along this busy and fast road as an alternative, which was not considered safe.
- The proposed roundabout on the Rotherwas Relief Road was felt to address safety concerns.
- It was queried whether the provision of a bypass was required to facilitate the development and without such infrastructure if the proposal could proceed.

- The green space and parkland proposed in the application was welcomed.
- The role of the travel plan coordinator was queried and how they could assist when access to the site was compromised by extreme weather events.
- There was concern that the phasing of the build of the development could constrain pedestrian and cycle access to the site. The implementation and retention of active travel infrastructure needed to be protected during the construction of the site.
- Concern was raised regarding the cost of the management of the green space proposed as part of the application and whether the prevention of escalating costs to local residents could be conditioned as part of the permission.

The development manager provided the following clarification:

- The applicant considered that flooding on the site could be effectively addressed and this would be looked at in the reserved matters stage. Extensive work had been undertaken by consultants with regard to flood mitigation on the site. The risks were understood and it was considered that they could be effectively mitigated.
- Condition 24 required the submission of a flood emergency plan which would be considered by officers at the council and the Environment Agency to ensure that it was safe and fit for purpose. Cyclists and pedestrians would not be encouraged to use the Rotherwas Access Road but the applicant was asked to propose active travel infrastructure on the road in anticipation that some local residents would walk and cycle on the road.
- There had not been a final decision on the stopping-up of Lower Bullingham Lane and Watery Lane; further details of the proposal were awaited from the applicant.
- Extensive traffic modelling had been undertaken to establish that the infrastructure included in the proposal was suitable to provide effective and safe access to the site. Such modelling took place for each development site and took account of the highway network locally; in the case of the current application site the traffic modelling was based on a local highway network without the provision of a bypass.
- It was explained that the travel plan coordinator would be a point of feedback for local residents to comment on the travel plans to the site and would help to implement improvements to encourage sustainable transport. Condition 24 required the flood emergency plan to be given to all local residents on the site; this would contain proposed routes in the event of flooding and would need to be undertaken in coordination with the travel plan.
- The impact of the construction of the site on pedestrian and cycle routes was a risk that could be mitigated.
- Details of the management plan for the site would need to be presented by the applicant for approval but limits on the contribution payable for the management and maintenance of the land could not be conditioned within any permission granted.

Councillor Bruce Baker proposed and Councillor Simeon Cole seconded a motion that the application be approved in accordance with the case officer's recommendation. The motion was put to the vote and was carried by a simple majority.

RESOLVED:

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement (Draft Agreement to be published for a minimum of 10 working days prior to determination) officer named in the Scheme of Delegation are authorised to grant <u>Outline</u> planning permission with all matters reserved

except access subject to the conditions below and any other further conditions (or amendments) considered necessary.

That planning permission be granted subject to the following conditions:

Standard

1 **Application for approval of the first reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission, or within three years of final completion of any legal challenge under S288 of the Town & Country Planning Act 1990. The last of the reserved matters shall be submitted before the expiration of eight years from the date of this permission.**

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

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

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

3 **Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for a phase shall be obtained from the Local Planning Authority in writing before any development on that phase 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, LD1, LD2, LD3, LD4, HD6, MT1, OS1, OS2 of the Herefordshire Local Plan Core Strategy and the guidance contained within 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:**

- **Site Location Plan: BL-M-12 Rev G**
- **Roundabout General Arrangement Plan: ref 07129-A-0001-P07**
- **Green Crize General Arrangement Plan: ref: 07129-A-0020-P07**

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, SD1, MT1 and HD6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

5 **The reserved matters applications should be in general in accordance with the following plans:**

- **Land Use and Access Parameter Plan: ref 35304 BL-M-16 Rev J**
- **Scale Parameter Plan: ref 35304 BL-M-17 Rev F**
- **Green Infrastructure Parameter Plan: ref 35304 BL-M-18 Rev F**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1, MT1 and HD6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Site wide pre-commencement conditions

6 **Drainage matters**

The reserved matters submission relating to layout, scale, appearance and landscaping for residential development (or a phase thereof) submitted pursuant to Condition 3 shall be accompanied by detailed surface water and foul water drainage design drawings/construction plans and approved in writing by the Local Planning Authority in consultation with Welsh Water.

The scheme shall be implemented in accordance with the approved details.

Reason: To ensure drainage conforms with Policies SD3, SD4 and HD6 of the Herefordshire local Plan - Core Strategy and the national planning Policy Framework

7 **Internal Roads**

Details of internal access, estate roads, pedestrian/cycle routes, and circulation arrangements within the development shall be reserved for future approval as part of the submission of reserved matters. No development shall commence on any phase of the development until full details of the internal access and circulation layout for that phase have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: 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, HD6, MT1 and the National Planning Policy Framework

8 **Phasing Plan**

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 phase(s)**
- **Employment phase(s)**
- **Country Park**
- **Local Centre**
- **Timing of delivery of on-site highway works (including but not**

limited to on-site roads, footways, cycleway, emergency access opening) and timing

- **Timing of delivery of offsite highways improvements (Section 278 works)**
- **Timing of delivery of public open space**
- **Procedures for amending the phasing plan if subsequently deemed necessary.**
- **Delivery of drainage infrastructure**

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan, unless an alternative plan is submitted to and agreed in writing by the Local Planning Authority.

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, HD6, MT1 and the National Planning Policy Framework.

9 Highway Access works
Prior to commencement of any development to which this permission relates, details of the proposed access works [with the B4339, Green Crize and Watery Lane (including the Twyford Road Link)] must be submitted to and approved by the Local Highway Authority in writing. Development shall not begin in relation to any of the specified access works until details of these accesses and associated off-site highway improvement works (e.g. Hoarwithy Road) 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. No dwelling shall be occupied in a particular phase until these schemes have been constructed in accordance with the approved Phasing Plan for the associated phase of development.

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.

10 Any future reserved matters application should include an updated noise impact assessment based on a more detailed site layout and demonstrate how a good design process has been followed in accordance with ProPG. Should the assessment identify that an overheating assessment is required, this should also be provided.

Reason: In order to protect the amenity of the area so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

11 Pedestrian/cycle link
Prior to commencement of development within each phase, details of a temporary, direct, pedestrian and cycle link connecting each Phase with the Green Crize, Watery Lane and B4339 accesses must be submitted to and approved by the local highway authority in writing. Development shall not begin until details of the temporary pedestrian and cycle link

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.

No dwelling shall be occupied until the approved temporary pedestrian and cycle link serving that phase, has been provided in accordance with the approved details.

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 HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

12 Bus stop Infrastructure

Prior to the commencement of development within each phase, details for the provision of bus stop infrastructure required to serve that phase (including exact locations and full design specifications for shelters, raised kerbs, and real-time information displays) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.

The submitted details shall include:

- **Locations sited on straight sections of highway, avoiding interference with junctions or private accesses. Bus cages to have a TRO to prevent parking in them.**
- **Shelter Designs that maintain a minimum clear footway width of 1.5m to the rear and are set back at least 0.5m from the kerb edge.**
- **Accessibility Features including a 2m x 2m clear boarding area and raised kerbs (minimum 125mm height) for level boarding.**
- **Programme for installation.**

Any bus stops and shelters approved for the relevant phase shall be installed in accordance with the approved details prior to the first occupation of that phase, unless otherwise agreed in writing by the Local Planning Authority.

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

13 FFL

No development within a phase, other than demolition and site clearance, shall commence until a plan showing the finished floor levels of the proposed development in relation to the existing and proposed ground levels of the surrounding land has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details. Ground floor levels should be set so that, should groundwater emerge in extreme conditions, water would not be able to enter directly into the building.

Reason – for the avoidance of doubt and to ensure that the levels of the buildings are built to ensure protection from groundwater flooding in accordance with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

14 Contamination

Prior to any works or site preparation commencing on a phase, the following information shall be submitted to and approved in writing by the Local Planning Authority:

a) The risk assessment submitted in support of the application (BWB, Ref:BMW2135, August 2024) confirmed the possibility of a significant pollutant linkage(s), a site investigation (as recommended) 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

b) if the risk assessment in (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

15 CEMP

Prior to any works or site preparation commencing within a phase, including site clearance or demolition works, and storage of equipment and materials on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency.

The CEMP shall include:

- **named 'responsible person'**
- **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**
- **Pollution Prevention: Details of fuel storage, bunding, and spill response procedures.**
- **Water Management: Measures to control surface water run-off and sediment, including the use of silt traps or settlement tanks.**
- **Protection of Watercourses: Identification of buffer zones: details of a detailed scheme to demonstrate that all areas within 50m of any watercourse and any crossings or other works to watercourses are fully compliant with best practice in respect of Otter movement and safety and passage of fish and crayfish**
- **Groundwater Protection: Methods to prevent contamination of underlying aquifers, especially during intrusive works like piling**
- **Hours of working**
- **Tree protection (and arb report)**
- **Dust management and mitigation measures**
- **Storage of materials**

- **consider and detail mitigation and working methods in respect of all non-ecological/wider potential environmental effects from site preparation, soil storage and management, and construction works**

The approved CEMP shall be approved in writing and 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 HD6,SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

16 Ecology

No more than 3 months prior to the commencement of development within any phase, including site clearance, demolition, material or equipment storage on site, the following shall be submitted for approval by the Local Planning Authority:

a) Updated ecological assessment/walkover to consider all protected species and general ecological interests.
b) Updated results and report, where required by the updated ecological assessment/walkover, shall be supplied and used to inform a specific Ecological Working Methods Scheme; and
c) detail any specific licences or other 'external' permissions that may be required.

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 HD6,SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency

17 CTMP

Prior to any works or site preparation commencing on a phase of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the A49 trunk road). The plan shall include as a minimum:

a) Construction phasing
b) An HGV routing plan to include likely origin/destination information, potential construction vehicle numbers, construction traffic arrival and departure times, signage, accesses and construction delivery times (to avoid peak hours), parking for site operatives
c) Details of any special or abnormal deliveries or vehicular movements.
d) Clear and detailed measures/method to prevent debris, mud and detritus being distributed onto the Local highway and SRN.
e) Details of signage including type, drawings, timescales and locations
f) Mitigation measures in respect of noise and disturbance during the construction phase including vibration and noise limits, monitoring

methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes.
g) A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
h) Waste management.
i) Wheel washing measures
j) Protection measures for hedgerows and grasslands.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the A49 trunk road and road network and 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.

18 Contamination
The Remediation Scheme, as approved pursuant to condition no. 14 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

19 Housing Mix
Proposals for the number, size and type of open market housing on any individual phase of the development shall be submitted to the Local Planning Authority for approval either prior to or as part of any reserved matter application(s) relating to Layout.

The size and type of the open market housing shall comply with the following Table:

Dwelling Type	***Quantity (%)***
2-bed	***20 – 25***
3-bed	***30 – 50***
4-bed	***25 – 35***
5-bed	***0-5***

The development shall thereafter be implemented in accordance with the

approved scheme.

Reason: The permission is outline only and this condition is imposed to ensure the development meets the present and future housing by requiring delivery of the most appropriate size and type of additional housing in accordance with the requirements of policies HD6 and H3 of the Herefordshire Local Plan – Core Strategy and National Planning Policy Framework.

20 Sport England

No development in relation to any phase shall commence until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how Active Design principles have been met within that phase.

Reason: To promote healthy lifestyles through physical activity and to accord with Development Plan policy and the National Planning Policy Framework.

21 Archaeology

No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service. The development shall not be occupied in full until the programme of archaeological work, including agreed archiving reporting and summary publication, has been completed.

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.

22 Resource Audit

Prior to any development including demolition commencing on site a Resource Audit to identify the approach to materials and waste prevention should be submitted to the Local Planning Authority. The Resource Audit shall include the following;

The Resource Audit shall include the following:

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

- **On-site waste recycling facilities to be provided (both through the construction and operational phases);**
- **The steps to be taken to ensure the maximum diversion of waste from landfill (through recycling, composting and recovery) once the development is operational;**
- **End of life considerations for the materials used in the development; and**
- **Embodied carbon and lifecycle carbon costs for the materials used in the development.**

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

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

23 Additional Ecological Enhancements
No development shall commence on site until a detailed plan and specification showing all proposed 'species enhancements' in addition to statutory BNG has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented 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 HD5, SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency and the National Planning Policy Framework

24 Flood Emergency Plan
Prior to the construction of the development, a Flood Emergency Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include full details of the proposed 'Welcome Pack', signage and routing options, as well as how occupants will be able to sign up to all relevant emergency alerts. It shall also include a method to retain the plan through property turnover, update the plan and include a timescale for revision of the plan for the lifetime of the development.

Reason: To protect the development from flooding and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

<u>Site wide - pre-occupation conditions</u>

25 LMP
Prior to the first occupation of each phase, a landscape management plan for all non-private landscaped areas within that phase, including details of implementation, management responsibilities, and

maintenance arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The approved LMP shall thereafter be implemented and maintained in accordance with the approved details.
No development within each phase shall be occupied until a Landscape Management Plan (LMP) for that phase, including a programme for implementation, addressing management responsibilities and maintenance schedules for upkeep of all landscaped areas, other than domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The LMP shall be implemented in accordance with the details of the programme of implementation and shall be maintained and retained thereafter.

Reason: To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of heritage assets hereabouts, to maintain and enhance the character and appearance of the location and to ensure that the development complies with the requirements of Policy SS6, HD6, LD1, LD4 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

<u>Site wide - compliance conditions</u>

26 Define permission
In line with the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification), the maximum amount of development permitted comprises:
a) Up to 540 dwellings (Use Class C3),
b) 5.57 hectares Employment Land Use Class B And E
c) 1650 sqm of mixed-use local centre (Use Classes F2 and E)

Reason: To define the scope of the permission in the interests of a satisfactory form of development and to comply with Policy SD1, MT1 and HD6 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

27 Streetlighting
Prior to installation of any streetlighting or lighting in other public areas, details of the design and luminaire specification should be submitted to an approved.

To ensure that all species and Dark Skies are protected 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 SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

28 Arboricutural
Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following document: Arboricultural Assessment BS5837:2012 (September 2024)

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.

29 Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to comply with Herefordshire Core Strategy policy SD1.

30 Foul Water

All foul water from the development site shall discharge through a connection to the existing public Mains Sewer network at a suitable point agreed with Welsh Water. No building shall be occupied until it is served by the approved connection.

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 and to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4

31 SUDS

Surface water shall be managed by SuDS with no discharge to any mains sewer system.

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework , NERC Act (2006), and Herefordshire Local Plan - Core Strategy policies LD2, SD3 and SD4.

32 Trees

If within a period of 5 years from the date of planting, the tree, or any tree planted in replacement of it, is removed uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same size and species shall be planted within the first planting season, unless the Local Planning Authority gives written consent to a variation.

Reason: To ensure failing trees are replaced and thereby ensuring that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

33 Trees

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

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

34 Stopping up

Prior to the occupation of the 25th dwelling, an application for a Stopping Up Order under Section 247 of the Town and Country Planning Act 1990 in respect of Lower Bullingham Lane and Water Lane shall be submitted to the Local Highway Authority. Evidence of the submission of the application shall be submitted to the Local Planning Authority together with a programme for implementation of the Stopping Up Order, a Management and Maintenance Plan and details of the physical design features and signage to be placed in the highway.

The submitted details shall be approved in writing by the Local Planning Authority and thereafter be implemented 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

Highway off Site Works

35 Highway Improvement /Off Site Works

Development shall not begin in relation to each of the specified highways works to be undertaken at Hoarwithy Road, Green Crize Crossing, Twyford Road Link and the A49 Junctions (The A49/ Holme Lacy Road / Walnut Tree Avenue junction and the A49/A465 junction) until details of the relevant 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. It is noted that in addition to the proposed changes to lane markings at the A49/ Holme Lacy Road / Walnut Tree Avenue signalised junction, the A49 Junction Works are to comprise signal timing changes to be agreed with the National Highways and the Local Highway Authority.

Prior to occupation of the 25th dwelling, the schemes at Hoarwithy Road, Green Crize Crossing and the Twyford Road Link shall have been constructed in accordance with the approved details.

The A49 Junction Improvements shall be implemented in accordance with the approved details and a programme submitted to and approved with the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy HD6 and MT1 of Herefordshire Local Plan – Core Strategy Plan [and the National Planning Policy Framework].

Residential Phases - Pre-occupation conditions

36 Highway survey

Prior to the first occupation within the residential element of the development, the details of a survey strategy should be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The survey strategy shall include, but not be limited to, a suitable programme and location of new surveys for vehicle, cyclist, and pedestrian movements. Baseline surveys shall be undertaken in line with the approved strategy prior to occupation of the 100th dwelling or

within 12 months of the first occupation, whichever occurs first, and repeat surveys thereafter at 50% occupancy (approximately 270 dwellings) or third year of first occupation, whichever occurs first, and at 80% occupancy (approximately 430 dwellings) or fifth year of first occupation, whichever occurs first. The approved programme shall be implemented in accordance with the latest guidance and good practice documentation published by the Department for Transport and the Local Planning Authority.

Reason: To ensure that robust travel data is available to inform and monitor the effective implementation of sustainable transport measures as outlined in the Travel Plan. and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

37 Travel Plan Coordinator

Prior to the first occupation of the residential element of the development, a Travel Plan Coordinator shall be appointed for a period of ten years or until one year after the residential element of the development is fully occupied, whichever is later. The duration of this post shall depend on whether monitoring and evaluation demonstrate that the targets detailed in the Travel Plan have been met. If the targets are not met, the role shall be extended further, including monitoring of targets, until such time as it can be demonstrated to the Local Planning Authority that the Travel Plan has achieved its targets and objectives.

Reason: To ensure the development meets the objectives of sustainable development and promotes sustainable travel behaviour and 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 HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

38 Travel Plan

Prior to the first occupation of the residential element of the development, implementation of the Travel Plan shall have commenced in accordance with the approved details. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after the 1st , 3rd , 5th, 8th and 10th years following first occupation (or sooner as provided for by Condition 40) and thereafter every three years if the targets are not met, and to be audited by the Local Planning Authority in consultation with National Highways.

Reason: To ensure the Travel Plan is effectively monitored and achieves its objectives of promoting sustainable transport and 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 HD6, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

39 Water Efficiency

Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a

maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD3 SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

40 Cycling

No residential dwelling within a phase of the development shall be occupied until secure, covered cycle parking for that phase has been provided in accordance with the approved Phasing Plan submitted pursuant to Condition 8, including the timescale for delivery of the country park, and in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:

- **the number, type and location of cycle parking spaces and stands (including Sheffield stands where applicable); and**
- **design and construction details of the cycle parking and storage facilities, including materials, weather protection and lockable access arrangements.**

The approved cycle parking facilities shall be provided prior to first occupation of the relevant phase and shall thereafter be retained, maintained and kept available for the parking of cycles by residents and visitors at all times.

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

41 Car charging

Prior to the first occupation of any dwelling within any residential phase, a scheme to enable the charging of plug in and other ultra-low emission vehicles (e.g. provision of cabling and outside sockets) to serve the occupants of the dwellings within that phase shall be submitted to and approved in writing by the Local Planning Authority. The works serving each dwelling shall be carried out in accordance with the approved details prior to the occupation of that dwelling.

Reason: To address the requirements policies in relation to climate change HD6, 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

<u>Residential Phases - Compliance conditions</u>

42 **No external lighting other than lighting of the highway 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

43 **Open Space**
The timing of the delivery of play areas and public open space (POS) within each phase of the development shall be carried out in accordance with the approved Phasing Plan for that phase, submitted pursuant to Condition 8. The play areas and public open space shall be constructed in full accordance with the approved details. They shall be completed and made available for use in accordance with a timetable that has been submitted to and approved in writing by the Local Planning Authority. Once provided, the play areas and public open space shall be retained and maintained in accordance with the approved details for the lifetime of the development.

Reason. In order to comply with the requirements of Policies HD6, OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

<u>Employment/non residential Phase (s) – pre-commencement condition.</u>

44 **Hours of use**
Any Reserved Matters application containing non-residential buildings shall provide details of the hours of use and, where relevant, hours for deliveries and collections for approval in writing by the Local Planning Authority.

The use of the premises shall be implemented in accordance with the details as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjacent properties and the general locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

45 **Archaeology**
No work on the employment phase of development shall take place until a detailed design and method statement for the foundation design and all new groundworks relating to groundwork within the employment land over and around the 'Rotherwas Ribbon has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed

scheme approved pursuant to this condition.

Reason: The development affects a site on which archaeologically significant remains survive, and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy 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.

<u>Employment Phase – Pre-occupation conditions</u>

46 Travel Plan
Prior to the first occupation/use of the employment development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors of the employment area 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 employment 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 for a minimum of five years. 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

47 Floodlighting
Details including illumination areas, luminance levels and control systems of any floodlighting or external lighting proposed to illuminate any phase of the employment development, shall be submitted to and approved in writing by the Local Planning Authority before the use hereby permitted commences and the building(s) are occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and adjoining land uses, Dark Skies and to comply with Policy SD1, SS6 and LD1 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework and Conservation of Habitats and Species Regulations (2018)

48 Car charging
Prior to the first occupation of each unit / building sited within the employment phase of the development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the staff and visitors of the employment uses hereby permitted shall by submitted and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details and provision retained and kept available for use thereafter.

Reason: To address the requirements policies in relation to climate

change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

49 Cycle

Prior to the first occupation of the employment uses/buildings hereby permitted, a scheme for long and short-stay cycle parking and associated end-of-trip facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include:

- **Long-Stay Storage: Secure, weatherproof, and well-lit storage for staff.**
- **Visitor Parking: Conveniently located short-stay stands (e.g., Sheffield stands) within [15m–20m] of the main entrance.**
- **Commuter Facilities: Detailed plans for on-site changing rooms, showers, and drying facilities for clothes and equipment.**
- **E-Bike Charging: Provision for electric bike charging points for at least [e.g., 5-10%] of long-stay spaces.**

The facilities shall be fully implemented before occupation and retained thereafter for the lifetime of the development.

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

50 Highway

Prior to the first occupation of each unit / building sited within the employment phase of the development hereby permitted the access, turning area and parking facilities (including areas for the manoeuvring, parking, loading and unloading of vehicles) as detailed within the RM submissions relating to layout and landscaping (or subsequent conditions) shall have been laid out, consolidated, surfaced and drained. Such areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1 and the National Planning Policy Framework.

<u>Employment Phase(s) – Compliance Condition</u>

51 Use class control

The land allocated for the employment phase of the development hereby permitted shall be used for Class B and E use only of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The Local Planning Authority wish to control the specific use of the employment land/premises on this strategic site, in the interest of local amenity, highway safety, delivery of economic objectives and to comply with Policy SS5, E1, HD6, MT1 and SD1 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, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2 **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), enhanced protection for special "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.**

3 **Assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework 2019.**

All investigations of potentially contaminated sites are required to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

Where ground gas or vapour protection measures are required, they shall be validated in accordance with current best practice guidance

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.**

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

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to coordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public).Please note that the timescale

between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.

6 **In connection with Conditions 46 and 38, the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ**

7 **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**

8 **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'**

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

10 **The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system.**

11 **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.**

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

13 **No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980**

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

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

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

15 **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**

16 **This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.**

17 **The applicant should be aware that to be an accredited country park - Natural England-Green Flag – there are some very specific and detailed criteria that must be delivered. Careful use of the tern "country park" is requested to ensure there is no confusion or higher than reality expectations created. Criteria for accreditation can be found at https://www.gov.uk/government/publications/accredited-country-parks-in-england**

18 **The applicant is reminded that all natural planting should fully consider climate change and pest-pathogen resilience. To comply with the Highway Design Guide thorny and spikey species should not be planted adjacent or close to any public footpath, footway, cycleway of other highway feature**

19 **Prior to discharging condition 24, the applicant contacts us via floodrisk@herefordshire.gov.uk to discuss the 'detailed design' of the FEP so that further guidance can be provided**

20 **Consideration should be given to using the Active Design checklist in Sport England's Active Design Guidance to assess reserved matters planning applications"**

21 **If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact HARC, Fir Tree Lane, Rotherwas, Hereford HR2 6LA (Tel: 01432 260470).**

22 **In regards to condition 35 Highways Improvement/off site works: the details shall be in general accordance with the submitted Informative Drawings: Hoarwithy Road Footway Drawing No. 07129-CI-A-SK08 PO3; Green Crize Crossing Drawing No. 07129-A-0060 P07; and Twyford Road Link Drawing No. 07129-CI-A-SK03 P10.**

The meeting ended at 11.45 am **Chairperson**

Herefordshire Council

Supplement to the agenda for

Planning and Regulatory Committee

Wednesday 3 June 2026

10.00 am

Conference Room 1 - Herefordshire Council, Plough Lane Offices, Hereford, HR4 0LE

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PLANNING COMMITTEE

Date: 3 JUNE 2026

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

242558 - THE FIRST PHASE OF AN URBAN EXTENSION (KNOWN AS THE SOUTHERN URBAN EXPANSION IN THE HEREFORDSHIRE LOCAL PLAN CORE STRATEGY) COMPRISING UP TO 540 HOMES (USE CLASS C3); EMPLOYMENT LAND (USE CLASS B AND E), LOCAL CENTRE AND A COUNTRY PARK TOGETHER WITH SUPPORTING PUBLIC OPEN SPACE, AND ALL OTHER ASSOCIATED WORKS (E.G. DEMOLITION OF EXISTING INDUSTRIAL BUILDINGS, DRAINAGE, LANDSCAPING AND GROUND MODELLING). ALL MATTERS ARE RESERVED FOR FUTURE CONSIDERATION SAVE FOR 'ACCESS'. ONLY THE MEANS OF ACCESS INTO THE SITE IS SOUGHT ASPART OF THIS OUTLINE APPLICATION, NOT THE INTERNAL SITE ACCESS ARRANGEMENTS AT LAND TO THE SOUTH OF LOWER BULLINGHAM, WEST OF THE ROTHERWAS INDUSTRIAL ESTATE, NORTH OF THE ROTHERWAS, HEREFORD, HR2 6JW

For: Bloor Homes Western per Ms Tara Maizonnier, 3rd Floor, Regent House, 65 Rodney Road, Cheltenham, GL50 1HX

Three additional documents are attached for consideration as follows:

Appendix 1: Draft S106 Agreement and this has been published to the website

Appendix 2: All members of the planning committee and case officer were sent the attached Briefing Note by the applicant Bloor Homes (Nick Rawlings) by email on the 28 May 2026 17:05

Appendix 3: EIA Statement of Conformity

These documents are attached and have been published to the website.

We would also provide the following updates and points of clarification:

Points of Clarification

Whilst contained within their initial consultation response, this element of 'The Education Contribution' was subsequently removed by the Council's Education Team in their revised response– as confirmed by the Draft S106.

Also, at Paragraph 9.269 in the 'Planning Balance and Conclusion' to clarify this application was submitted 3rd October 2024 and declared valid on 24th October 2024 and as such BNG is mandatory as detailed in paragraph 9.110 – 9.111 of the committee report.

Draft Section 106 Agreement (Appendix 2)

The report details the requirements for the Section 106 agreement. A draft copy of the Section 106 agreement is now appended that conforms the heads of terms outlined in the report

EIA Statement of Conformity (Appendix 3)

Please find attached an Environmental Impact Assessment Statement of Conformity.

The application was supported by an ES which was produced in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and assessed whether there would be any likely significant effects as a result of the Proposed Development.

This Statement of Conformity has been submitted in response to queries regarding the absence of the approved Southern Link Road ('SLR') scheme (now termed the Hereford Bypass Phase 1) within the list of potential cumulative schemes considered in the ES, as well as a query regarding the time lapse between ES baseline studies and the submission of the ES and the Lower Bullingham Phase 1 planning application.

The Statement confirms that the operational and construction effects arising from the SLR proposal are non-material in the context of the ES and do not alter the results or conclusions previously reached. It also confirms that the time elapsed since the ES baseline studies does not result in any changes to the results and conclusions reached in the ES. In particular this covers Ecology and Landscape.

Officers have reviewed the statement and would confirm their agreement with the conclusions of this statement that states:

> *It is concluded that the SLR scheme will have no material bearing upon the results and conclusions of the Transport ES Chapter, with the inclusion of the SLR only improving conditions on the local network from an operational perspective. Therefore, the EIA remains valid in this respect.*
>
> *Furthermore, it is considered that the environmental information reported within the ES remains sufficiently current and robust to inform determination of the application and that no material changes have occurred which would alter the conclusions of the ES.*

NO CHANGE TO RECOMMENDATION

Private & Confidential

Draft [ ] 2026

2793798/VJF01

Dated 2026

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (1)

TRACEY JAMES GOODWIN AND JULIA RUTH GOODWIN (2)

AND

J.S. BLOOR (SWINDON) LIMITED (3)

AND

THE ROYAL BANK OF SCOTLAND PLC (4)

AND

IAN GOODWIN AND JAMES ANDREW JOHNSON (5)

PLANNING OBLIGATION BY AGREEMENT PURSUANT TO SECTION 106

relating to
Land to the south of Lower Bullingham west of the Rotherwas Industrial Estate north of the Rotherwas Hereford HR2 6JW

GOWLING WLG

www.gowlingwlg.com

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THIS DEED is made 2025

BETWEEN

(1) **THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL** of Plough Lane Offices, Plough Lane, Hereford HR4 0LE ("**Council**");

(2) **TRACEY JAMES GOODWIN and JULIA RUTH GOODWIN** of Watery Lane Farm, Lower Bullingham, Hereford HR2 6ER ("**First Owner**");

(3) **J.S. BLOOR (SWINDON) LIMITED** (Company Registration No. 02300003) whose registered office is situated at Ashby Road, Measham, Swadlincote, Derbyshire DE12 7JP **("Second Owner")** and

(4) **THE ROYAL BANK OF SCOTLAND PLC** incorporated and registered in Scotland with company number SC083026 whose registered office is at 36 St Andrews Square, Edinburgh, EH2 2YB ("**Lender**").

(5) **IAN GOODWIN AND JAMES ANDREW JOHNSON [ ] ("Chargee")**

BACKGROUND

(A) For the purposes of the 1990 Act the Council is the local planning authority for the area within which the Site is situated and the party who is entitled to enforce the obligations contained in this Deed.

(B) The First Owner is the freehold registered owner of part of the Site under title HE26562 at HM Land Registry.

(C) The Second Owner is the freehold registered owner of part of the Site under title HE8096 at HM Land Registry subject to the charge in favour of the Lender and dated 26 July 2018.

(D) The Lender has a registered charge dated 28 May 2009 over the Site registered with the Land Registry under title number HE8096.

(E) The Chargee has a registered charge dated 15 March 2004 over the Site registered with the Land Registry under title number HE26562

(F) The Second Owner submitted the Planning Application to the Council for permission to develop the Site for the purposes and in the manner described in the Planning Application.

(G) The Council is minded to grant Planning Permission subject to conditions and the prior completion of this Deed.

(H) The Council has considered the provisions of the development plan and taken into account material planning considerations affecting the site and considers that in the interests of the proper planning of its area the Development of the Site ought to be only permitted subject to the terms of this Deed and for that purpose the parties are expressly willing to enter into this Deed.

(I) The First Owner and Second Owner have agreed that the Development shall be carried out only in accordance with the rights and obligations set out in this Deed and that they may be enforced by the Council against the First Owner and the Second Owner and their respective successors in title.

(J) This Deed is made pursuant to Section 106 of the Act, section 111 of the Local Government Act 1972 as amended, section 1 of the Localism Act 2011 as amended and all other enabling powers and enactments which may be relevant for the purposes of giving validity hereto or facilitating the enforcement of the obligations herein contained with the intent to bind the Site.

THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PROVISIONS

1 INTERPRETATION

1.1 For the purposes of the recitals and the covenants in the Agreement, in this Deed the following words and expressions have the following meanings:

Act	the Town and Country Planning Act 1990 (as amended);
Affordable Housing	housing provided to eligible households whose needs are not met by the Open Market. Eligibility is determined with regard to local incomes and local house prices. Affordable Housing should remain at an affordable price for future eligible households or the subsidy recycled for alternative Affordable Housing provision. The descriptions of all types of Affordable Housing in Herefordshire are contained in the Technical Data;
Affordable Housing Mix	the tenure mix of Affordable Housing to be provided within the Development consisting of: (a) 67.7% Social Rented Units; and (b) 32.3% Intermediate Units; as set out at Annex 3 to this Deed (indicatively for the provision of 189 Affordable Housing Units) or such other mix as may be agreed with the Council;
Affordable Housing Units	(unless otherwise agreed in writing by the Council) 35% of the residential units and ancillary areas comprised within the Development and intended for occupation comprising any of Social Rented Units, Shared Ownership Units, and Discount Market Sale Units in accordance with the Affordable Housing Mix; and "**Affordable Housing Unit**" means any one of the said dwellings;
Affordable Housing Scheme	a written scheme approved by the Council as part of a Reserved Matters Application for the associated Reserved Matters Area or the written approval of the Council identifying the location, number of bedrooms, mix and tenure of each Affordable Housing Unit (to include Wheelchair Accessible Units) in the Reserved Matters Area (unless otherwise agreed in writing with the Council) and any updated scheme approved by the Council;
Biodiversity Gain Plan	plans and documents approved by the Council for the delivery of Biodiversity Net Gain in respect of the Development pursuant the Planning Permission;

Biodiversity Gain Sites Register	the register published by DEFRA containing details about registered biodiversity gain sites including which planning permission it has been allocated to;
Biodiversity Metric	the statutory biodiversity accounting tool published by DEFRA or Natural England from time to time that can be used to measure the biodiversity value of habitat or habitat creation and enhancement for the purposes of Biodiversity Net Gain;
Biodiversity Net Gain	means that the Development leaves biodiversity in a better state than before it took place and an approach where the Owner shall work with local authorities, wildlife groups and other stakeholders to support their priorities for nature conservation to ensure a net increase in biodiversity shall be provided to mitigate the adverse effects arising from the Development whereby specific, quantifiable outcome of project activities that deliver demonstrable benefits for biodiversity compared to the baseline situation including but not limited to any arrangements to ensure protected species and existing habitats are conserved and enhanced and any landscaping arrangements maintenance arrangements and arrangements for permitting access and use to be provided in accordance with the provisions of Schedule 7 to this Deed;
BNG Unit	the quantum of biodiversity as measured by the Biodiversity Metric;
BNG Completion Date	the date confirmed in the Certificate of Completion as the date the Habitat Creation and Enhancement Works detailed in the Biodiversity Gain Plan were completed and from which date the Habitat Creation and Enhancement Works shall be maintained and monitored in accordance with the Biodiversity Gain Plan for a period of 30 (thirty) years;
Breach Notice	a notice served on the Owner by the Council pursuant to this Schedule and paragraph 1 of Part 2 of 0 of this Deed in relation to on-site BNG;
Bus Service Contribution	the sum of One Hundred Thousand Pounds (£100,000) which is to form part of the Standard SPD Transport Contribution;
Certificate of Completion	a written certificate of completion confirming that the Habitat Creation and Enhancement Works have been completed to the reasonable satisfaction of the Council on the Completion Date issued (or deemed to have been issued) by the Council;
Chargee	any legal person exercising a power of sale in respect of a mortgage or charge and shall include mortgagee or chargee (or any receiver (including administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security

	documentation to enable such mortgagee or chargee to realise its security or an administrator (each a Receiver)) exercising a power of sale in respect of the whole or any part of the Dwelling or any persons or bodies deriving title through such mortgagee or chargee or receiver;
Commencement Date	the carrying out in relation to the Development of any material operation (as defined within section 56(4) of the 1990 Act) on the Site pursuant to the Planning Permission but (for the purposes of this Agreement) excluding operations consisting of: site clearance; demolition work; environmental site investigations; archaeological investigations; site survey works; investigations for the purpose of assessing ground conditions, preparatory and remedial work in respect of any decontamination or other adverse ground conditions; erection of any temporary means of enclosure and the temporary display of site notices or advertisements; the words "**Commence**", "**Commenced**" "**Commencement**" shall be construed accordingly;
Commencement Notice	a written notice to be in the form set out in Schedule 5to be served by the Owner on the Council;
Conservation Covenant	means an agreement between a landowner and a Responsible Body pursuant to the Environment Act 2021 to secure the Biodiversity Net Gain;
Contributions	together the: a) Healthcare Contribution; b) Outdoor Sports Contribution; c) Education Contribution; d) Recycling and Waste Contribution; e) Libraries Contribution f) Hospital Contribution g) Off-Site Active Travel Contribution

h) Standard Transport SPD Contribution

County	the county of Herefordshire;
Credit	the running balance of the Bus Service Contribution;
DEFRA	means the Department for Environment, Food & Rural Affairs;
Development	the development of the Site as authorised by the Planning Permission for an urban extension (known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g., drainage, landscaping and ground modelling).;
Development Standards	means a standard to fully comply with the following: (a) "Technical housing standards – nationally described space standards" published by the Department for Communities and Local Government in March 2015 (b) All national construction standards and planning policy relating to design which may be published by the Secretary of State or by the Council from time to time (c) Part 2 of Secured by Design standards published by Police Crime Prevention Initiatives Limited (d) Optional requirement M4(2) of Building Regulations 2010 (Part M) (Accessible and Adaptable Dwellings);
Discount Market Sale Units	housing sold to a Qualifying Purchaser in need of affordable housing at a discount of 30% below the Open Market Value;
Dwelling	any residential unit constructed on the Site pursuant to the Planning Permission;
Education Contribution	the total sum of £2,536,396 (Two Million Five Hundred and Thirty Six Thousand Three Hundred and Ninety Six Pounds) comprised of the, Pre-School Contribution

	Primary Education Contribution Post-16 Contribution Youth Contribution; and Special Education Needs and Additional Provision Contribution all index-linked in accordance with clause 17 of this Deed;
Excess BNG Unit	means any BNG Unit created under the Biodiversity Gain Plan which are not required to satisfy the Biodiversity Net Gain;
Excess BNG Unit Agreement	means an agreement between the Owner and the Council which secures any Excess BNG Units onto the Biodiversity Gain Sites Register;
Force Majeure	means any event or circumstance beyond the reasonable control of the affected party which prevents or materially delays performance under this Agreement and which could not reasonably have been prevented or mitigated.
Habitat Creation and Enhancement Works	means the on-site habitat creation and enhancement works set out and defined in the HMMP (excluding any management, maintenance and monitoring activities specified in the HMMP);
Habitat Management and Monitoring Plan or HMMP	means a document and spatial plan that details how the Habitat Creation and Enhancement Works will be managed over at least 30 years to: • create and enhance habitats for Biodiversity Net Gain; and • manage maintain and monitor the Biodiversity Net Gain; to be provided in accordance with the Planning Permission and this Schedule of this Deed;
Healthcare Contribution	the sum of Three Hundred and Fifty Five Thousand Two Hundred Pounds (£355,200) which is intended to provide new and additional premises or infrastructure, extension(s) to existing premises or improved digital infrastructure and telehealth facilities at South and West Herefordshire Primary Care Network, the Hereford City WBC and Hereford Medical Group Primary Care Network;
Highway Land	land comprised in a highway maintainable at the public expense and over which the public has a right to pass and repass, including footways, verges and structures over which the highway passes;

Home Point	the agency or body (or any successor agency or body) that on behalf of the Council holds the common housing register and operates a choice based lettings system (or any subsequent lettings system) through which Affordable Housing in the administrative area of the Council is advertised;
Hospital Contribution	the sum of Four Hundred and Sixteen Thousand Seven Hundred and Forty Eight Pounds and Forty Eight Pence (£416,748.48) which is intended to provide additional capacity, equipment, facilities and/or infrastructure at Hereford County Hospital;
Index Linked	the increase as calculated in accordance with clause 17 of this Deed;
Interest	interest at 4.5% above the base lending rate of National Westminster Bank PLC from time to time;
Intermediate Unit	a Shared Ownership Unit or a Discount Market Sale Unit, or other affordable routes to home ownership' categories of Affordable Housing in the definition of affordable housing in Annex 2 of the National Planning Policy Framework (December 2024);
Libraries Contribution	means a financial contribution to be calculated in respect of each Reserved Matters Area as follows: £146.00 (One Hundred and Forty Six Pounds) for each 2 bedroom Open Market Unit; and £198.00 (One Hundred and Ninety Eight Pounds) for each 3 bedroom Open Market Unit; and £241.00 (Two Hundred and Forty One Pounds) for each 4 or more bedroom Open Market Unit to provide a new library facility at Hereford Shire Hall required as a consequence of the Development all index-linked in accordance with clause 17of this Deed
Local Connection	having a connection to one of the parishes specified because that person: is or in the past was normally resident there (having resided in one of the parishes in the County of Herefordshire for 6 out of the last 12 months or 3 out of the last five years); or is employed there (in the employ of another (or a formal offer of such employment) not being of a casual nature but shall not exclude part-time employment of 16 hours or more per week or self-employment); or has a family association there (where a person or a member of his household has parents, adult children, brothers or sisters, step-parents, grandparents, grandchildren, aunts or uncles or such other person

as defined in the Housing Act 1996 or such other successor legislation as amended currently residing in one of the parishes of the County of Herefordshire and who have been resident for a period of at least five years and that person indicates a wish to be near them); or

a proven need to give support to or receive support from family members (need to provide or receive personal and physical care to enable a person or a family member to live independently in the community and includes people who are in need of such support but are not normally resident but have long standing links with the local community); or

because of special circumstances (this shall not normally apply but special circumstances amount to circumstances which in the view of the Council may give rise to a Local Connection);

Management Company — a body with a registered office in England or Wales that is nominated or established by the Owner in accordance with the Management Company Plan for the acquisition and long term management and maintenance of the Open Space Facilities in accordance with the provisions of Schedule 3 such body to be adequately self-funded or will be funded through on-going arrangement or through local arrangements the details of which are to be provided to the Council for approval in writing (such approval not to be unreasonably withheld or delayed);

Management Company Plan — (unless otherwise agreed with the Council in writing) a written scheme demonstrating the way in which:

(i) the future management and maintenance requirements for the Open Space Facilities have been identified and how an ongoing maintenance regime (including but not limited to task timing and frequency of the operations for all the features of the Open Space Facilities) specifically fulfils the Management Company objective;

(ii) the Management Company is or will be set up and maintained in order to fulfil its ongoing obligations and functions in relation to the Open Space Facilities as set out in Schedule 3 including:

its objects (to be reflected in the memorandum and articles of association);

governance of the Management Company including how it is or will be incorporated;

how key appointments will be made and renewed (the Owner may be appointed as Managing Director during the development period);

how shares in the Management Company will be issued and to whom and when;

how professional appointments will be made and funded including the company secretary;

how and when meetings will be convened;

how monies will be paid into it by way of service charges pursuant to the terms of this Deed and details of how sufficient funds will be maintained for any emergency or replacement works to the Open Space Facilities and

how assets of the Management Company will be safeguarded for use only for the purpose of the long term management and maintenance of the Open Space Facilities and for no other purpose;

Marketing Plan — a written scheme detailing the strategy for the disposal of Discount Market Sale Units such scheme to be approved in writing by the Council (such approval not to be unreasonably withheld or delayed);

"Monitoring Report" — means the monitoring reports to be issued to the Council as specified in the Habitat Management and Monitoring Plan;

Occupation — occupation for any purpose for which Planning Permission has been granted but not including occupation by personnel engaged in the construction, fitting out or occupation for marketing or display purposes and for security purposes and "**Occupied**" "**Occupy**" and "**Occupier**" shall be construed accordingly;

Off Site Active Travel Contribution — the sum of Two Million Six Hundred and Fifty Five Thousand Seven Hundred and Fifty Eight Pounds and Five Pence (£2,655,758.05) comprising transport infrastructure projects arising from the councils Local Transport Plan and the Local Cycling, Walking and Wheeling Infrastructure Plan or such subsequent successor council transport plan;

Open Market — the open market for the sale or letting of housing by a person or body other than:

a local housing authority;

a Registered Provider; or

any other person or body offering housing accommodation to the public at less than the prevailing market sale/rent price;

Open Market Units — those Dwellings in the Development that are not Affordable Housing Units and which are intended for

	sale or letting on the Open Market and "**Open Market Unit**" shall mean any one of such units;
Open Market Value and Open Market Valuation	the price at which a sale of the freehold interest or long leasehold interest (which here means a leasehold interest of not less than 99 years at a premium and a peppercorn rent) in a relevant Discount Market Sale Unit would fetch if sold on the Open Market by a willing vendor and disregarding the restrictions and obligations contained in this Deed and approved by the Council;
Open Space Facilities	the area within the Development the extent of which is shown indicatively as Public Open Space and the Country Park on Plan 2 to include: 4.01hectares (37,570 sqm) of on-site green infrastructure comprising: 3.7 hectares (37,260 sqm) of accessible green space; and 0.31 hectares (310 sqm) of children's and teenager's play.
Open Space Facilities Plan	(unless otherwise agreed with the Council in writing) a written scheme demonstrating the way in which the future management and maintenance requirements for the Open Space Facilities have been identified and how an ongoing maintenance regime (including but not limited to task timing and frequency of the operations for all the features of the Open Space Facilities) specially fulfils the Management Company objectives;
Operator	an operator of a commercial/employment unit constructed on the Site pursuant to the Planning Permission;
Outdoor Sports Contribution	the sum of One Thousand Two Hundred and Ninety Seven Pounds (£1,297) Index Linked per Open Market Unit in each Reserved Matters Area towards the Outdoor Sports Facilities;
Outdoor Sports Facilities	facilities in accordance with the Herefordshire Playing Pitch and Outdoor Sports Strategy and Action Plan February 2023 as amended from time to time
Owner	together the First Owner and the Second Owner and "**Owners**" shall be construed accordingly;
Parish	the parish of Lower Bullingham;
Phase Wide Open Space Scheme	means a plan and/or scheme showing or describing how the Open Space Facilities required to be provided as part of the relevant Reserved Matters Area are to be provided and which shall set out a timetable for the delivery of the Open Space Facilities, which shall be linked to the delivery of Dwellings within that Reserved

	Matters Area and which may be amended from time to time with the approval of the Council;
Plan 1	the plan annexed at Annex 1 indicatively showing the Site with drawing reference number BL-M-12G, Revision N (as may be updated, amended or replaced from time to time);
Plan 2	the Green Infrastructure Parameter Plan annexed at Annex 2;
Planning Application	the application for planning permission under the Planning Reference and validated by the Council on 24th October 2024, for planning permission for the outline permission for the Development;
Planning Obligations Manager	the Council employee who manages, implements and monitors Section 106 agreements;
Planning Permission	the planning permission under the Planning Reference subject to conditions which may be granted in respect of the Planning Application;
Planning Reference	planning reference P242558/O;
Post-16 Contribution	the sum of £48,438 (Forty Eight Thousand Four Hundred and Thirty Eight Pounds) towards the South Hereford Post 16 Provision required as a consequence of the Development;
Practical Completion	the stage reached when the construction of the Affordable Housing Unit is sufficiently complete that, where necessary a certificate of practical completion can be issued and it can be Occupied;
Pre-School Contribution	the sum of £207,020 (Two Hundred and Seven Thousand and Twenty Pounds) towards settings providing early education and childcare for children aged 0 to 5 serving the South Hereford City area;
Primary Education Contribution	the sum of £1,546,506 (One Million Five Hundred and Forty Six Thousand Five Hundred and Six Pounds) towards the Primary Education Facilities
Primary Education Facilities	means education facilities at South Hereford Early Years, St Martin's Primary School, Our Lady's RC Primary School, new primary school for South Hereford South Hereford Youth
Qualifying Purchaser	a person who has demonstrated both at the time of application and at the time contracts are exchanged to purchase a Discount Market Sale Unit to the Council's satisfaction that he is: at least 18 years old;

	a member of a household having an annual income of less than £40,000 as a sole income and £80,000 as joint (or such other figure as the Council may agree); purchasing the Dwelling for occupation as sole main residence; unable to afford to buy a home suitable for their housing needs on the Open Market; able to demonstrate a good credit history (i.e. no bad debts or County Court Judgments) and able to afford the regular payments and costs involved in buying a Discount Market Sale Unit; and able to secure a mortgage and have sufficient deposit to purchase or otherwise be able to demonstrate ability to purchase;
Reasonable Endeavours	that the party under the obligation shall not be required to take proceedings (including any appeal) in any court public inquiry or other hearing (unless specified to the contrary) but subject hereto such party shall be bound to attempt to fulfil the relevant obligation by the expenditure of such effort and/or sums of money and the engagement of such professional or other advisers as in all the circumstances may be reasonable;
Recycling and Waste Contribution	a sum of eighty pounds (£80.00) (Index Linked) per Dwelling in respect of each Reserved Matters Area;
Recycling Facilities	one waste collection bin and one recycling collection bin to be provided for each Dwelling;
Registered Provider	a registered provider of Affordable Housing under Part 2 of the Housing and Regeneration Act 2008 being a preferred development partner listed (or intended for listing) in the Council's 'provision of affordable housing technical data' which supports the supplementary planning document Planning Obligations April 2008 (or any subsequent or updated document), or any such other Registered Provider as may previously be agreed with the Council in writing such agreement not to be unreasonably withheld;
Reserved Matters Application	an application for approval of one or more matters reserved for approval by the Planning Permission;
Reserved Matters Approval	approval of a Reserved Matters Application;
Reserved Matters Area	means the part of the Site covered by a Reserved Matters Application or Reserved Matters Approval as appropriate;
Residential Development	the part of the Development comprising of the development of Dwellings pursuant to the Planning Permission and "Dwelling" means any one of them;

Residential Reserved Matters Area	means the part of the Site covered by a Reserved Matters Application or Reserved Matters Approval as appropriate containing Open Market Units;
Responsible Body	means the organisation or designated responsible bodies able to enter into conservation covenant agreements that are registered with DEFRA from time to time (or such other organisation that the Council may agree in writing as being suitable to enter into a conservation covenant.
RICS Community Infrastructure Levy (CIL) Index	the RICS Community Infrastructure Levy (CIL) Index published by the Royal Institution of Chartered Surveyors and calculated on the basis of the arithmetic mean of the BCIS Tender Price Index (TPI) prior to the fourth quarter each year as calculated by the BCIS in the October of that year;
Secondary Parish	the parish of Hereford City
Shared Ownership	ownership under the terms of a lease by which a lessee may (acquire a share or shares of the equity in an Affordable Housing Unit from the Registered Provider who retains the remainder and may charge a rent and "Shared Ownership Unit" means any Affordable Housing Unit designated for Shared Ownership;
Site	the land at Watery Lane Farm and Manor Farm, Lower Bullingham, Hereford edged red on Plan 1 against which this Deed may be enforced and registered at HM Land Registry under title numbers HE26562 and HE8096;
Social Rented Housing	housing owned by local authorities or Registered Providers for which guideline target rents are determined through the national rent regime and may also be owned by other persons and provided under equivalent rental arrangements to the above as agreed with the Council or with Homes England (or successor agency or body) and "**Social Rented Unit**" means any Affordable Housing Unit designated for Social Rented Housing;
South Hereford Post 16 Provision	provision of education and training for young people aged 16 to 19 (or up to 25 with Special Educational Needs) serving the South Hereford City area;
Special Education Needs and Additional Provision Contribution	the sum of £262,057 (Two Hundred and Sixty Two Thousand and Fifty Seven Pounds) to provide Special Educational Needs and Alternative Provision] required as a consequence of the Development
Standard Transport SPD Contribution	means a financial contribution to be calculated in respect of each Reserved Matters Area as follows: One Thousand Seven Hundred and Twenty Pounds (£1,720) for each 2 bedroom Open Market Unit; and

	Two Thousand Five Hundred and Eighty Pounds (£2,580) for each 3 bedroom Open Market Unit; Three Thousand Four Hundred and Forty Pounds (£3,440) for each 4 bedroom Open Market Unit; and Four Thousand Three Hundred Pounds (£4,300) for each 5 bedroom Open Market Unit; within the relevant Reserved Matters Area to provide the requisite active travel measures required to mitigate the consequences of the Development all index-linked in accordance with clause 17 of this Deed
Supplementary Planning Document	means the Supplementary Planning Document dated 1 April 2008 which is the Council's guidance for planning obligations in Herefordshire, for all those involved in the submission and determination of planning applications;
Technical Data	the data updated annually by the Council entitled 'Provision of Affordable Housing Technical Data to Support the Affordable Housing Supplementary Planning Document June 2021 (or any technical data published by the Council in support of any replacement planning policy document);
VAT	value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax;
Wheelchair Accessible Unit	means the Affordable Housing Units provided and built to comply with Wheelchair Standards (Category 2 and Category 3);
Wheelchair Standards Category 2	means the standard set out in the optional requirement to dwellings M4(2) Category 2: Accessible and adaptable dwelling of Part M (access to and use of buildings) Building Regulations 2010 (as amended) (or subsequent revision or replacement standard current at the time the Owners submission of the relevant building regulations application provided it requires the same or comparative level of provision);
Wheelchair Standards Category 3	means the standard set out in the optional requirement to dwellings M4(3) Category 3: Wheelchair User Dwellings of Part M (access to and use of buildings) Building Regulations 2010 (as amended) (or subsequent revision or replacement standard current at the time the Owners submission of the relevant building regulations application provided it requires the same or comparative level of provision;
Working Day(s)	Mondays to Fridays (excluding days that in England are public holidays) inclusive.

Youth Contribution	the sum of £472,376 (Four Hundred and Seventy Two Thousand Three Hundred and Seventy Six Pounds) to provide [South Hereford Youth Provision] required as a consequence of the Development

1.2 In this Deed:

(a) the clause headings in this Deed are for convenience only and do not affect its interpretation;

(b) unless otherwise indicated references to clauses and Schedules are to clauses of and Schedules to this Deed and references in a Schedule to a Part or paragraph are to a Part or paragraph of that Schedule:

(i) all Acts of Parliament and all other legislation having legal effect in the United Kingdom as directly or indirectly amended, consolidated, extended, replaced or re-enacted by subsequent legislation; that statute or statutory provision as from time to time amended extended re-enacted consolidated or replaced; and

(ii) any orders, regulations, instruments or other subordinate legislation made under that statute or statutory provision whether before or after the date of this Deed;

(c) the headings in this Deed are inserted for convenience only and shall not affect the construction or interpretation of this Deed;

(d) where the agreement, approval, consent or an expression of satisfaction is required by the Owner under the terms of this Deed from the Council; that agreement, approval, consent or satisfaction shall be given in writing and shall not be unreasonably withheld or delayed;

(e) references to the Site include any part of it;

(f) references to any party in this Deed include the successors in title of that party and assigns and any person deriving title through or under that party. In addition, references to the Council include any successor to its functions as local planning authority exercising planning powers under the Act;

(g) "including" means "including, without limitation";

(h) any covenant by the Owners not to do any act or thing includes a covenant not to permit or allow the doing of that act or thing;

(i) where two or more people form a party to this Deed the obligations of that party will be joint and several and may be enforced against them all jointly or against each of them individually;

(j) if any provision of this Deed is held by a Court of competent jurisdiction to be illegal unlawful invalid or unenforceable then to the extent possible the offending provision(s) will be severed from the Deed and the legality lawfulness validity and enforceability of the remainder of the Deed shall be unaffected and continue in full force and effect;

(k) words importing the singular shall include the plural and vice versa;

(l) words importing the masculine gender include the feminine and neuter genders and words denoting actual persons include companies corporations and firms and all such words shall be construed interchangeable in that manner;

1.3 Without prejudice to the terms of any other provision contained in this Deed the Owner shall pay all costs, charges and expenses (including without prejudice to legal costs and Surveyor's fees) reasonably incurred by the Council for the purpose of or incidental to the enforcement of any right or power of the Council or any obligation of the Owner arising under this Deed;

1.4 The parties to this Deed do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 as amended, by any person not a party to it and the terms of this Deed may be varied by a deed agreed between the parties without the consent of any third party being required;

1.5 No party will be liable for any breach of the terms of this Deed occurring after the date on which they part with their entire interest in the Site or the part of the Site in respect of which such breach occurs but without prejudice to liability for any breaches of this Deed occurring before parting with such interests. Neither the reservations of any rights nor the inclusion of any covenants or restrictions over the Site in any transfer of the Site will constitute an interest for the purposes of this clause 1.5;

1.6 This Deed shall not be enforceable against a statutory undertaker, service company, or any other entity to whom any part of the Site may be transferred, let or otherwise disposed of for the provision of service media, electricity sub-stations, pumping stations, gas governor stations or similar matters, after the transfer of the statutory apparatus and any land upon or in which the statutory apparatus is situated by the Owner to that statutory undertaker service company, or other such entity;

1.7 No waiver (whether expressed or implied) by the Council or Owner of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council or Owner from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default; and

1.8 Entry into this Deed does not constitute a transaction for a chargeable consideration for which Stamp Duty Land Tax is required.

2 EFFECT OF THIS DEED

2.1 This Deed is made pursuant to Section 106 of the Act and to the extent that they fall within the terms of Section 106 of the 1990 Act the obligations contained in this Deed are planning obligations for the purposes of Section 106 of the Act and are enforceable by the Council.

2.2 To the extent that any of the obligations contained in this Deed are not planning obligations within the meaning of the Act, they are entered into pursuant to the powers contained in section 111 Local Government Act 1972, section 2 of the Local Government Act 2000, section 1 Localism Act 2011 and all other enabling powers, with the intent to bind the Owners and successors in title.

2.3 The covenants, restrictions and requirements of the Owners contained in this Deed are planning obligations for the purposes of Section 106 of the Act and are entered into by the Owners with the intention that they bind the interests held by them in the Site and their respective successors and assigns.

2.4 Nothing in this Deed restricts or is intended to restrict the proper exercise at any time by the Council of any of its statutory powers, functions or discretions in relation to the Site or otherwise.

2.5 This Deed will be registered as a local land charge by the Council.

2.6 If the Council agrees following an application under section 73 of the Act or Section 73B (when it comes into force) to vary or release any condition contained in the Planning Permission or if a condition is varied or released following an appeal under section 78 of the Act the covenants or provisions of this Deed shall be deemed to bind the varied permission and to apply in equal

terms to the new planning permission unless the Council in determining the application for the new planning permission indicate that consequential amendments are required to this Deed to reflect the impact of the section 73 or 73B application when a separate deed under Section 106 of the Act will be required to secure relevant planning obligations relating to the new planning permission.

3 LENDER'S AND CHARGEE'S CONSENT

3.1 The Lender and Chargee consents to the completion of this Deed and declares that their interest in the Site shall be bound by the terms of this Deed as if it had been executed and registered as a land charge before the creation of their interest in the Site.

3.2 The Lender and Chargee shall not be personally liable for any breach of the obligations in this Deed unless committed or continuing at a time when the Lender and/or Chargee is in possession of all or any part of the Site.

4 MISCELLANEOUS

4.1 Nothing in this Deed prohibits or limits the right to develop any part of the Site in accordance with a planning permission, other than one relating to the Development as specified in the Planning Application, granted after the date of this Deed, whether or not pursuant to an appeal.

4.2 Nothing in this Deed shall be construed as a grant of planning permission.

4.3 Unless expressly agreed otherwise in this Deed, the covenants in this Deed shall be enforceable without any limit of time against the Owner and any successors in title to the Site and assigns of the Owner in an interest or estate to the Site or any part or parts of the Site as if that person had also been an original covenanting party in respect of the interest or estate for the time being held by that person.

5 CONDITIONALITY

5.1 This obligations in this Deed are conditional upon:

(a) the grant of the Planning Permission; and

(b) the Commencement of Development,

save for the provisions of clauses 1-4, 8-14, 15 and 17-19] which shall come into effect immediately upon completion of this Deed

6 OBLIGATIONS OF THE OWNERS

The Owners covenant with the Council as set out in Schedule 1, Schedule 2 and Schedule 3 of this Deed.

7 OBLIGATIONS OF THE COUNCIL

The Council covenants with the Owner as set out in Schedule 4 of this Deed.

8 GENERAL EXCLUSIONS

8.1 The covenants and obligations in this Agreement shall not be enforceable against:

(a) any statutory undertaker whose interest in the Site derives from having equipment necessary to carry out their undertaking on the Site or on adjoining land;

(b) any future mortgagee of the Site (or any part thereof) other than in relation to any breach that the mortgagee itself has caused whilst mortgagee in possession and such mortgagee shall not be liable for any pre-existing breach but FOR THE AVOIDANCE OF DOUBT any successor in title to the mortgagee will be responsible as successor in title to the Owner for (i) any obligation(s) still to be performed and (ii) any obligation(s) which has not been satisfied in full because there has been a breach which has not been remedied or only partially remedied;

(c) subject to Schedule 2 and 3 of this Deed, any owner-occupiers or tenants or their mortgagees of the Dwellings constructed pursuant to the Planning Permission and purchased and occupied as private dwellings nor against those deriving title from them; and

(d) any owner-occupiers or tenants or their mortgagees of completed commercial units constructed pursuant to the Planning Permission and purchased and occupied as commercial units nor against those deriving title from them.

9 TERMINATION OF THIS DEED

9.1 This Deed will cease to have effect (insofar only as it has not already been complied with) if:

(a) the Planning Permission is quashed, revoked or otherwise withdrawn prior to the Commencement Date so as to render this Deed or any part of it irrelevant, impractical or unviable or;

(b) the Planning Permission expires prior to the Commencement Date.

9.2 The Council shall upon receipt of a written request by the Owners and without unreasonable delay at any time after this Deed has come to an end under clause 9.1 or the obligations contained in the Schedules hereto have been discharged issue written confirmation thereof and note all related entries in the Register of Local Land Charges provided that the Owner has adequately set out the basis for making such a request.

9.3 Where the Planning Permission is the subject of any judicial review proceedings or other legal challenge:

(a) until such time as such proceedings or challenge including any appeal have been finally resolved the terms and provisions of this Deed will remain without operative effect notwithstanding the issue of the Planning Permission and the Commencement of Development (where relevant) PROVIDED THAT the Owner shall not undertake any further works to implement the Planning Permission following the issue of such proceedings;

(b) if following the conclusion of such proceedings or challenge the Planning Permission is quashed and is not superseded by a subsequent planning permission it is accepted by the Owner and the Council that this Deed will cease to have any further effect; and

(c) if following the conclusion of such proceedings or challenge the Planning Permission remains valid and fully enforceable all of the terms and provisions of this Deed will apply in full.

9.4 Wherever in this Deed reference is made to a date on which legal proceedings or challenge in relation to the Planning Permission are concluded or resolved (or cognate expressions are used), the following provisions will apply:

(a) proceedings by way of judicial review are concluded

(i) when permission to apply for judicial review has been refused and no further application can be made;

(ii) when the court has given judgment in the matter and the time for making an appeal expires without any appeal having been made or permission to appeal is refused; or

(iii) or when any appeal(s) is or are finally determined.

(b) proceedings under Section 288 of the 1990 Act are concluded:

(i) when the court has given judgment in the matter and the time for making an appeal expires without an appeal having been made or permission to appeal is refused; or

(ii) when any appeal(s) is or are finally determined.

10 NOTICES

10.1 A notice under this Deed is valid only if it is given by hand or sent by recorded delivery and it is served at the address shown in this Deed for the receiving party or at any address specified in a notice given by that party to the other parties.

10.2 A notice sent to the Council in relation to any matters arising from this Deed shall be addressed to the Planning Obligations Manager Development Management Team, Herefordshire Council, Plough Lane, Hereford, HR4 0LE quoting the Planning Reference.

10.3 A notice if delivered by hand, it to be treated as served on signature of a delivery receipt or at the time the notice or document is left at the address provided that, if delivery occurs:

(a) before 09:00 hours on a Working Day, the notice will be deemed to have been received at 09:00 hours on that day; and

(b) if delivery occurs after 17:00 hours on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 09:00 hours on the next Working Day; or

(c) sent by recorded delivery is to be treated as served on the second working day after posting if sent by first class post or on the third working day after posting if sent by second class post;

11 CHANGE IN OWNERSHIP

11.1 At the time of execution of this Deed, the Owners and the Council warrants that no person other than the Owners, the Lender and the Chargee has any legal or equitable interest in the Site.

11.2 The Owners agree to give the Council immediate written notice of any change in ownership of any of its interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company address or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan provided that this clause 11 shall not apply in respect of the disposal of any individual Dwelling or Dwellings.

12 ENFORCEMENT

12.1 This Deed is to be governed by and interpreted in accordance with the law of England;

12.2 The Courts of England are to have jurisdiction in relation to any disputes between the parties out of or related to this Deed. This clause operates for the benefit of the Council who retains the right to sue the Owner and enforce any judgment against the Owner in the courts of any competent jurisdiction.

13 DISPUTE

Any dispute or disputes between any of the parties to this Deed arising out of the provisions of this Deed (other than a dispute or difference relating to a matter of law or concerning the meaning or construction of this Deed) shall be referred to a single arbitrator to be agreed between the parties or in default of agreement on the application of any party by the President of the Royal Institute of Chartered Surveyors in accordance with the Arbitration Act 1996 or any statutory modification or re-enactment for the time-being in force.

14 COUNCIL'S COSTS

14.1 The Second Owner covenants and agrees with the Council that prior to completion of this Deed the Second Owner shall pay to the Council its reasonable and proper legal costs in connection with the preparation of this Deed, together with all disbursements, incurred in connection with the negotiation, preparation, completion and registration of this Deed; and

14.2 The Second Owner covenants and agrees with the Council that prior to Commencement to pay to the Council the Council's reasonable Planning Obligations Manager monitoring costs in the sum of 2% of the total Contribution.

15 LATE PAYMENT

Without prejudice to the Council's rights to enforce any breaches of this Deed (including by way of injunction) if any sum due to the Council from the Owners under this Deed is not paid on or before the date upon which it is due then Interest shall be payable from the due date of payment until the actual date of payment.

16 COMMUNITY INFRASTRUCTURE LEVY

The terms of this Deed comply in all respects with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that the obligations contained herein are necessary to make the Development acceptable in planning terms, directly relate to the Development and fairly and reasonably relate in scale and kind to the Development.

17 INDEXATION OF CONTRIBUTIONS

The Owner covenants and agree with the Council that the Contributions payable in accordance with the obligations contained in paragraph 2 of Schedule 1 to this Deed shall be uplifted by reference to:

17.1 any increase in the RICS Community Infrastructure Levy (CIL) Index occurring between the date of its publication prior to the date of this Deed and the date that such sum is actually paid to the Council; or

17.2 an equivalent index that the Council may at their discretion select in the event that the RICS Community Infrastructure Levy (CIL) Index shall cease to be published before such sums are paid.

18 VAT

18.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

18.2 The Owner hereby acknowledges and agrees that if at any time VAT is required to be paid in respect of the Site and the Contributions then to the extent that VAT had not been previously charged in respect of that payment the Council shall have the right to issue a VAT invoice to the Owner and the VAT shall be paid accordingly.

19 RIGHT OF ACCESS

Without prejudice to the Council's statutory right of entry the Owner shall permit the Council and its authorised employees and agents upon reasonable written notice to enter the Site at all reasonable times for the purpose of verifying whether or not any obligation arising under the Deed has been performed or observed.

20 RESERVATIONS

For the avoidance of doubt, nothing in this Deed shall prevent the Council from exercising any of its statutory powers or functions in relation to the development of the Site.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

SCHEDULE 1

CONTRIBUTIONS

The Owner hereby covenants as follows:

1 NOTICE OF COMMENCEMENT

1.1 not less than five Working Days prior to Commencement Date to serve the Commencement Notice on the Council;

1.2 not to permit or cause or allow the Commencement of Development until the Commencement Notice has been served upon the Council.

2 HEALTHCARE CONTRIBUTION

2.1 To pay to the Council the Healthcare Contribution in the following instalments

(a) 50% prior to the Commencement of the Development.

(b) the balance prior to first Occupation of the Development.

2.2 Not to:

(a) Commence the Development unless and until it has paid 50% of the Healthcare Contribution;

(b) Occupy the first Dwelling unless and until it has paid the entirety of the Healthcare Contribution

3 HOSPITAL CONTRIBUTION

3.1 To pay to the Council the Hospital Contribution in the following instalments

(a) 50% prior to the Commencement of the Development.

(b) the balance prior to first Occupation of the Development.

3.2 Not to:

(a) Commence the Development unless and until it has paid 50% of the Hospital Contribution.

(b) Occupy the first Dwelling unless and until it has paid the entirety of the Hospital Contribution.

4 OUTDOOR SPORTS CONTRIBUTION

4.1 To pay to the Council the Outdoor Sports Contribution for each Reserved Matters Area in the following instalments:

(a) 50% prior to the Commencement of development of the Reserved Matters Area;

(b) the balance prior to the Occupation of the Open Market Units in that Reserved Matters Area.

4.2 Not to:

(a) Commence the development of the Reserved Matters Area unless and until it has paid 50% of the Outdoor Sports Contribution in relation to that Phase;

(b) Occupy more than 50% of the Open Market Units in a Phase unless and until it has paid the entirety of the Outdoor Sports Contribution in relation to that Phase.

5 EDUCATION CONTRIBUTION

5.1 pay the Education Contribution for each Residential Reserved Matters Area to the Council in the following instalments:

(a) The sum of £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) prior to the Commencement of development of the first Residential Reserved Matters Area; and

(b) the sum of £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) prior to the Occupation of more than 50% of the Open Market Units within the first Residential Reserved Matters Area.

(c) The sum of £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) prior to the Commencement of development of the second Residential Reserved Matters Area; and

(d) the sum of £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) prior to the Occupation of more than 50% of the Open Market Units within the second Residential Reserved Matters Area .

(e) The sum of £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) prior to the Commencement of development of the final Residential Reserved Matters Area; and

(f) the sum of £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) prior to the Occupation of more than 50% of the Open Market Units within the final Residential Reserved Matters Area.

5.1 Not to:

(a) Commence the development of the first Residential Reserved Matters Area unless and until it has paid £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) of the Education Contribution in accordance with clause 5.1(a).

(b) Occupy more than 50% of the Open Market Units in the first Residential Reserved Matters Area unless and until it has paid £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) of the Education Contribution in accordance with clause 5.1(b).

(c) Commence the development of the second Residential Reserved Matters Area unless and until it has paid £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) of the Education Contribution in accordance with clause 5.1(c).

(d) Occupy more than 50% of the Open Market Units in the second Residential Reserved Matters Area unless and until it has paid £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) of the Education Contribution in accordance with clause 5.1(d).

(e) Commence the development of the final Residential Reserved Matters Area unless and until it has paid £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) of the Education Contribution in accordance with clause 5.1(e);

(f) Occupy more than 50% of the Open Market Units in a Residential Reserved Matters Area unless and until it has paid £422,732.66 (Four Hundred and Twenty Two Thousand Seven Hundred and Thirty Two Pounds and Sixty Six Pence) of the Education Contribution in accordance with clause 5.1(f).

6 OFF SITE ACTIVE TRAVEL CONTRIBUTION

6.1 To pay the sum of Four Hundred and Fifty Nine Thousand, Three Hundred and Forty One Pounds and Sixty Three Pence (£459,341.63) prior to Occupation of the 51st Dwelling.

6.2 To pay the sum of Eight Hundred and Ninety Three Thousand Five Hundred and Ninety Three Pounds and Ninety Six Pence (£893,593.96) prior to Occupation of the 101st Dwelling.

6.3 To pay the sum of One million, Three Hundred and Two Thousand, Eight Hundred and Twenty Two pounds and Forty Six Pence (£1,302,822.46) prior to the Occupation of the 271st Dwelling.

7 BUS SERVICE CONTRIBUTION AND STANDARD TRANSPORT SPD CONTRIBUTION

7.1 The Owner shall pay the Bus Service Contribution to the Council prior to the first Occupation of first Open Market Unit the Development.

7.2 Each Standard Transport SPD Contribution shall be reduced, on a pound-for-pound basis, by application of the balance of the Credit, which shall have a starting value equal to the Bus Service Contribution, until the Credit has been fully exhausted. The Credit shall be applied automatically and sequentially against Standard Transport SPD Contributions as and when they would otherwise fall due, until the aggregate amount so credited equals the Bus Service Contribution. For the avoidance of doubt, once the aggregate amount of Standard Transport SPD Contributions that would otherwise have fallen due equals the value of the Credit, any further Standard Transport SPD Contributions shall be payable in full.

7.3 Subject to paragraph 6.2, to pay to the Council the Standard Transport SPD Contribution for each Reserved Matters Area in the following instalments:

(a) 50% prior to the Commencement of development of that Reserved Matters Area;

(b) the balance prior to the Occupation of 50% of the Open Market Units in that Reserved Matters Area.

8 LIBRARIES CONTRIBUTION

8.1 To pay to the Council the Libraries Contribution for each Reserved Matters Area prior to the Occupation of 50% of the Open Markets Units in that Reserved Matters Area;

9 RECYCLING AND WASTE CONTRIBUTION

9.1 To pay to the Council the Recycling and Waste Contribution for each Reserved Matters Area prior to the Occupation of 50% of the Open Markets Units in that Reserved Matters Area;

SCHEDULE 2

AFFORDABLE HOUSING

PART 1

1 AFFORDABLE HOUSING

The Owner of the relevant Reserved Matters Area covenants and agrees with the Council:

1.1 Not to Occupy any Affordable Housing Unit within a Reserved Matters Area until and unless a programme for the delivery of the Affordable Housing Units ("**Affordable Housing Scheme**") within the Reserved Matters Area has been submitted to and has been approved in writing by the Council (such approval not to be unreasonably withheld) and such Affordable Housing Scheme shall also identify any relevant Wheelchair Accessible Unit(s).

1.2 Following the Commencement of Development of the relevant Reserved Matters Area to construct or procure the construction of the Affordable Housing Units at no cost to the Council to the Development Standards and in accordance with the Planning Permission and to ensure the Occupation in accordance with the Affordable Housing Scheme approved pursuant to paragraph 1.1 of this Part 1 of this Schedule 2.

1.3 Save as otherwise agreed with the Council to provide the Affordable Housing in accordance with the Affordable Housing Mix PROVIDED ALWAYS THAT:

(a) the Intermediate Housing Units will be provided as Shared Ownership Units or Discounted Market Sales Units at the Owner's option and

(b) in the event that there is a change to the maximum number of Dwellings consented under the Planning Permission as a result of constructions pursuant to Reserved Matter Approvals or other amendments, the Affordable Housing Mix set out in Annex 3 of this Deed shall be adjusted proportionally in order to comply with the Affordable Housing Mix percentage thresholds.

1.4 Not to Occupy or cause or permit the Occupation of any more than 75% of the Open Market Units within a Reserved Matters Area until and unless the Social Rented Units and Shared Ownership Units for that Reserved Matters Area:

(a) have been constructed in accordance with paragraph 1.2 above and are ready and available for Occupation;

(b) are accessible by vehicles and pedestrians; and

(c) subject to paragraph 1.6 to 1.8 in the case of the Social Rented Units and Shared Ownership Units (where relevant) have been transferred (by freehold transfer with title absolute and full title guarantee) to a Registered Provider.

1.5 Subject paragraph 1.9 not to let, manage or allow the Social Rented Units to be let managed or co-owned other than strictly in accordance with guidance issued by Homes England (or any successor agency) from time to time with the intention that the Social Rented Units shall at all times be used for the purposes of providing Affordable Housing (save otherwise expressly provided in this Deed) to persons who are eligible in accordance with the allocation policies of the Registered Provider and satisfy the following requirements:

(a) The Social Rented Units are registered and advertised through Home Point at the time the Affordable Housing Unit becomes available for Occupation; and

(b) In the case of the Social Rented Units allocated in accordance with the Herefordshire Allocation Policy and in the case of Shared Ownership Units the allocation policies of the Registered Provider; and

(c) for Occupation as a sole residence to a person or persons one of whom meet the following qualifying criteria:

(i) a Local Connection with the Parish; or

(ii) a Local Connection to the Secondary Parish if after twenty Working Days if there being no person with a Local Connection within the Parish; and

(iii) in the event of there being no person with a Local Connection to the Parish or Secondary Parish any other person ordinarily resident within the administrative area of the Council who is eligible under the Herefordshire Allocation Policy and or the allocation policies of the Registered Provider if the Registered Provider can demonstrate to the Council that after a further 20 Working Days of any of the Affordable Housing Units becoming available the Registered Provider having made all reasonable efforts through the use of Home Point as applicable but have found no suitable candidate under paragraph 1.5(c)(i) above; and

1.6 The transfer of the relevant Social Rented Units or Shared Ownership Units within a Reserved Matters Area to the Registered Provider shall include the following provisions:

(a) the grant to the acquiring Registered Provider of all rights of way access and passage of services and all other rights reasonably necessary for the beneficial enjoyment of the Social Rented Units and Shared Ownership Units; and

(b) a reservation of all rights of access and passage of services and rights of entry reasonably necessary for the purposes of the Development.

1.7 In the event that a Registered Provider (within three (3) months' of written invitation) is unable to make an acceptable offer to purchase the Social Rented Units or Shared Ownership Units or no longer wants to purchase the Social Rented Units or Shared Ownership Units the Owner of the relevant Reserved Matters Area shall:

(a) notify the Council three (3) months prior to Practical Completion of the Social Rented Units or Shared Ownership Units (where relevant) ;

(b) set out the reasons (together with any supporting evidence) in writing why a transfer to the Registered Provider has not been entered into pursuant to paragraph 1.3 of this part of this Schedule

(c) submit any other information reasonably requested by the Council to satisfy why the Owner has not been able to enter into a transfer with the Registered Provider pursuant to paragraph 1.4 of this part of this Schedule 2; and

(d) offer the Affordable Housing Units to the Council to be purchased by the Council as Social Rented Units or Shared Ownership Units

1.8 In the event the Council make an acceptable offer to the Owner (within three (3) months' of written invitation) for the Social Rented Units or Shared Ownership Units then the Owner shall not Occupy or permit Occupation of more than fifty percent (50%)of the Open Market Units within the relevant Reserved Matters Area until the Owner has provided the Council with a freehold transfer document unconditionally released for completion for the transfer of the relevant Social Rented Units or Shared Ownership Units.

1.9 In the event the Council does not make an offer which is acceptable to the Owner (within three (3) months' of written invitation) to purchase all or part of the relevant Social Rented Units or Shared Ownership Units or the Council indicates that it does not want to purchase the relevant Social Rented Units or Shared Ownership Units the Council shall serve on the Owner written confirmation that the Owner shall be permitted to sell those Social Rented Units or Shared Ownership Units within the relevant Reserved Matters Area as Discount Market Housing Units

1.10 The restrictions and obligations contained within this Schedule 2 shall not be binding on nor enforceable against a Chargee of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such Chargee provided that:

(a) such Chargee shall first give written notice to the Housing Development Officer (Strategic Housing Herefordshire Council, Plough Lane, Hereford HR4 0LE) quoting the Planning Reference of its intention to dispose of the Affordable Housing Units (or relevant part) and shall have used Reasonable Endeavours over a period of three months from the date of the written notice to secure a disposal of the Affordable Housing Units (or relevant part) to a Registered Provider or to the Council or as otherwise agreed in writing by the Council for a consideration not exceeding the greater of:

(i) the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and

(ii) the Open Market Value of the Affordable Housing Units (or relevant part).

(b) if such disposal has not been secured within the three month period subject to having first obtained the written agreement of the Council (not to be unreasonably withheld) that all relevant requirements contained within this Schedule 2 of this Deed have been complied with the Chargee shall be entitled to dispose of the Affordable Housing Units (or relevant part) free from the provisions of this Schedule 2 of this Deed which provisions shall determine absolutely.

1.11 Paragraphs 1.4, 1.5 and 1.9 of this Schedule 2 does not apply to Shared Ownership Units or Discount Market Sale Units.

PART 2

1 DISCOUNT MARKET SALE UNITS

1.1 The Owner covenants with the Council that no Open Market Units erected or to be erected on the a Reserved Matters Area will be Occupied except in accordance with the restriction in paragraph 1.2 of Part of this Schedule 2 and that any Discount Market Sale Units erected or to be erected in the relevant Reserved Matters Area will not be Occupied except in accordance with the restrictions and obligations in paragraphs 1.2 to 1.9 inclusive in Part 2 of this Schedule 2.

1.2 Not to Occupy or cause or permit the Occupation of more than 75% of the Open Market Units on any part or parts of the Reserved Matters Area until and unless the Discount Market Sale Units (if any) identified in the Affordable Housing Scheme relevant to the Reserved Matters Area have been constructed in accordance with the Planning Permission and are ready and available for Occupation and are accessible by vehicles and pedestrians.

1.3 The initial sale price for all Discount Market Sale Units has been agreed by the Council such price to be at a discount of 30% from Open Market Value of the relevant Discount Market Sale Unit ("**Initial Discount Price**").

1.4 The sale price for all subsequent disposals of Discount Market Sale Units will be determined by the average of two formal Open Market Valuations by two independent estate agents to which the 30% discount from the Open Market Value of the relevant Discount Market Sale Unit ("**Discount Price**") must be applied

1.5 The Discount Market Sale Units shall not be Occupied:

(a) by anyone except to persons who meets the qualifying criteria in paragraph 1.6 below; and

(b) on the first sale following completion of construction of the Discount Market Sale Units at the Initial Discount Price; and

(c) On every subsequent sale at the Discount Price

1.6 The Discount Market Sale Units must (unless otherwise agreed by the Council) be allocated in accordance with the Council's terms and conditions for Occupation as a sole residence to a Qualifying Purchaser one of whom is a person ordinarily resident within the administrative area of the Council.

1.7 In the case of all initial sales:

(a) prior to notice of an intended sale to submit for approval by the Council (such approval not being unreasonably withheld) a Marketing Plan for advertising the sale of the Discount Market Sale Units; and

(b) on receipt of a written approval of the Council for the Marketing Plan serve a notice of sale upon the Council each time a Discount Market Sale Unit is released for sale but in any event not less than two months before the expected date that the relevant Discount Market Sale Unit for sale is ready and available for Occupation;

(c) upon submission of a notice of an intended sale of the specified Discount Market Sale Unit to carry out the advertising of the Discount Market Sale Unit for sale in accordance with the Marketing Plan;

(d) to liaise with the Council (or its nominee) for a period of three months from the date of the Council's written confirmation of receipt of such notice in order to identify a potential purchaser meeting the sole residency and Qualifying Purchaser requirements in paragraph 1.6 of Part 2 of this Schedule 2;

(e) not to exchange contracts for the sale of the relevant Discount Market Sale Unit unless written approval has been obtained from the Council that the prospective purchaser meets all criteria set out in paragraph 1.6 of Part 2 of this Schedule 2;

provided that:

(f) if on any initial sale the Council is reasonably satisfied that after a period of three months of active marketing and advertising a Discount Market Sale Unit cannot be sold in accordance with Part 2 of this Schedule 2 or that a potential purchaser has been identified and a period of six months has expired without the parties entering into a binding contract for such disposal the Discount Market Sale Unit may (with the Council's prior written approval) be sold free from the requirements in paragraph 1.6 of Part 2 of this Schedule 2; provided that

(i) the Discount Market Sale Unit is sold at the Discount Price to the purchaser as his only or principal home; and

(ii) the Discount Price and the requirements in paragraph 1.6 of Part 2 of this Schedule 2 shall apply in full on any subsequent disposition so that such person shall remain bound by the terms of this Deed;

(g) on completion of the initial sale of every Discount Market Sale Unit to secure a restriction on the registered title in the terms required by the Land Registry such that no disposition of any Discount Market Sale Unit will be registered unless the purchaser's solicitors certify that the terms of paragraphs 1.5 and 1.6 of Part 2 of this Schedule 2 have been complied with and provide the Council with a copy of the restriction and the solicitors' certificate of compliance on each and every such disposition of the Discount Market Sale Unit.

1.8 In the case of all subsequent sales:

(a) to serve on the Council a notice of an intended sale of the specified Discount Market Sale Unit for sale together with two valuation appraisals by two local estate agents and the name address and contact details for the vendor and selling agent;

(b) not to commence any marketing unless the Council has confirmed in writing acceptance of;

(i) the notice of intended sale; and

(ii) the Discount Price;

(c) to ensure its selling agent liaises with the Council (or its nominee) for a period of three months from the date of the Council's confirmation of receipt of such notice in order to identify a potential purchaser meeting the sole residency and Qualifying Purchaser requirements in paragraph 1.6 of Part 2 of this Schedule 2;

(d) not to exchange contracts for the sale of the relevant Discount Market Sale Housing Unit unless written prior written approval has been obtained from the Council that the prospective purchaser meets the criteria set out in paragraph 1.6 of this Schedule 2; provided that

(e) if on any subsequent sale the Council is reasonably satisfied that after a period of three months of active marketing and advertising that a Discount Market Sale Unit cannot be sold in accordance with this Schedule 2 or that a potential purchaser has been identified and a period of six months has expired without the parties entering into a binding contract for such disposal the Discount Market Sale Unit may (with the Council's prior written approval) be sold free from the requirements in paragraph 1.6 of Part 2 of this Schedule 2; provided that

(i) the Discount Market Sale Unit is sold at the Discount Price to the purchaser as his only or principal home; and

(ii) the Discount Price and the requirements in paragraph Part 2 of this Schedule 2 shall apply in full on any subsequent disposition so that such person shall remain bound by the terms of this Deed.

1.9 Not to permit or otherwise allow any Discount Market Sale Unit for sale to be let other than with the written consent of the Council.

SCHEDULE 3

OPEN SPACE FACILITIES

1 The Owners covenant and agree with the Council:

1.1 Concurrently with the submission of any Reserved Matters Application, the Owner of that Reserved Matters Area subject to the Reserved Matters Application shall submit to the Council the Phase Wide Open Space Scheme for that Reserved Matters Area.

1.2 Upon the Owner issuing the Phase Wide Open Space Scheme referred to in paragraph 1.1 above to the Council, the Council shall within 28 days either

(a) approve the Phase Wide Open Space Scheme (in which case it shall become the "Approved Phase Wide Open Space Scheme); or

(b) refuse to approve the Phase Wide Open Space Scheme, and provide reasons for such refusal

PROVIDED ALWAYS THAT such approval cannot be unreasonably withheld and the Phase Wide Open Space Scheme cannot be refused for any reason which contradicts any approval of the Reserved Matters Application

1.3 In the event that the Council refuses to approve the Phase Wide Open Space Scheme pursuant to paragraph 1.2.2 and provides reasons therefore, the Owner shall either refer the matter to arbitration pursuant to clause 13 of this Deed, or update the proposed Phase Wide Open Space Scheme and re-submit it to the Council, in which case paragraph 1.2 and this paragraph 1.3 shall apply mutatis mutandis until the Phase Wide Open Space Scheme becomes the Approved Phase Wide Open Space Scheme.

1.4 The Owner shall not Commence the Development of a Reserved Matters Area unless and until the Phase Wide Open Space Scheme in respect of that Reserved Matters Area becomes the Approved Phase Wide Open Space Scheme.

1.5 The Owner covenants to comply with the Approved Phase Wide Open Space Scheme.

2 Management and Maintenance of the Open Space

2.1 Not to Commence Development in a Reserved Matters Area until the Council has approved in writing (such approval not to be unreasonably withheld or delayed) the arrangements as identified in the Management Company Plan for the long term management and maintenance of the Open Space Facilities in that Reserved Matters Area; and the details of/for the recovery by that Management Company of service charge contributions from the owners of the Open Market Units and the Registered Provider (where appropriate) towards the upkeep and permanent maintenance of the Open Space Facilities.

2.2 Thereafter to implement the arrangements in accordance with the Management Company Plan which will include the Owner entering into a contract with the Management Company to transfer the Open Space Facilities to the Management Company in accordance with the provisions of this Schedule.

2.3 Not to sell or otherwise dispose of any Open Market Unit without requiring (through appropriate covenants) for the purchaser of that Open Market Unit and his successors in title to become members of the Management Company and to enter into a covenant with the Management Company to pay a service charge towards the costs of the Management Company discharging its functions towards the management of the Open Space Facilities together with provisions for recovery of those contributions in accordance with the arrangements approved pursuant to this part Schedule.

2.4 Until the transfer of the Open Space Facilities to a Management Company:

(a) not to use the Open Space Facilities for any purpose other than as a public amenity area and any use in connection with a sustainable urban drainage system serving the Development; and

(b) at all times remain fully responsible for the repair, maintenance, safety and general upkeep of the Open Space Facilities consistent with its use as a public amenity and as a sustainable urban drainage system serving the Development.

SCHEDULE 4

BIODIVERSITY NET GAIN

The Owner covenants with the Council as set out below:

1 Before Commencement of Development to submit to the Council the Biodiversity Gain Plan and (and if required) HMMP for approval in writing.

2 The Biodiversity Gain Plan and the HMMP shall include details of the Biodiversity Net Gain to be provided on the Site by way of the Habitat Creation and Enhancement Works together with how they will be managed maintained and monitored for 30 years from the BNG Completion Date in respect of the Habitat Creation and Enhancement Works (if required by the Council acting reasonably);

3 Prior to first Occupation of the first Dwelling to submit evidence of the registration and allocation of the BNG Units on the Biodiversity Gain Sites Register to the Development (as appropriate), to the Council, unless otherwise agreed in writing by the Council.

4 The Owner shall comply with and satisfy the requirements to the approved Biodiversity Gain Plan and HMMP.

5 To notify the Council in writing following completion of the Habitat Creation and Enhancement Works.

6 To permit the Council access to inspect the Habitat Creation and Enhancement Works following completion in order that the Council can determine whether the Habitat Creation and Enhancement Works have been completed in accordance with the HMMP and/or whether any remedial works are required to rectify defects and once satisfied to issue the Certificate of Completion.

7 To respond to the Council within 20 Working Days of service of a Breach Notice to accept or dispute the Breach Notice.

8 Where the Breach Notice is disputed or the remedial steps cannot be complied with in the time provided in the Breach Notice:

8.1 to return a reasoned explanation to the Council supported by evidence (where appropriate); and/or

8.2 to request additional time to comply with the requirements of the Breach Notice for approval by the Council.

9 Where a Breach Notice is accepted (or has been determined to be valid pursuant to clause 11 of this Deed) to comply with the requirements of the Breach Notice within the timescale provided or such extension of time agreed with the Council in writing pursuant to paragraph 8 or such time as has been determined by the expert in accordance with clause 11.

10 Where the Breach Notice has not been complied with within the timescale provided in the Breach Notice or agreed pursuant to paragraph 8 or the time as has been determined by the expert in accordance with clause 11 to allow the Council, its agents and contractors with or without workmen and equipment to enter the Site and other land in the Owner's control needed to access the Site at all reasonable times following receipt of 5 Working Days' notice to carry out works reasonably necessary to comply with the requirement of the Breach Notice or determination in accordance with clause 11, as applicable, following reasonable notice given.

11 Where the provisions of paragraph 10 apply to pay to the Council a sum equivalent to its reasonably and properly incurred costs in respect of carrying out the relevant works under paragraph 10 within 20 Working Days of a notice requesting payment (such notice to include a breakdown of such costs).

12 To permit the Council, its agents, and contractors with or without workmen and equipment to access the land on which the on-site BNG Units are located for the purpose of monitoring compliance with the obligations in this Deed and to pass and repass across any land in the Owner's control which is necessary to gain access for these purposes.

13 To submit the Monitoring Report to the Council within 20 (twenty) Working Days of the first, second, third, fourth and fifth anniversary of the issue of the Certificate of Completion and every 5 years thereafter each unless other intervals are agreed in writing with the Council.

14 The provisions of this Schedule shall terminate thirty (30) years after the BNG Completion Date

Excess BNG Units

The Council covenants and agrees with the Owner

15 to enter into an Excess BNG Unit Agreement to govern the allocation of the Excess BNG Units on the Biodiversity Gain Sites Register in the event that the Biodiversity Gain Plan identifies Excess BNG Units.

SCHEDULE 5

THE COUNCIL'S COVENANTS

PART 1

THE CONTRIBUTIONS

The Council covenants and agrees:

1 upon receipt of the Contributions the Council will place the same in an interest bearing account;

2 the Council shall apply the Contributions only towards the facilities and purposes referred to in this Deed;

3 the Council agree that if any part of the Contributions have not been expended or remain uncommitted following a period of ten years from the date of payment then such part of the Contributions as may remain unspent or uncommitted together with interest accrued as aforesaid on the balance shall be returned to the payer of the Contributions;

4 if so requested in writing to provide the payer of the Contributions with such evidence as shall be reasonably requested to confirm the expenditure of the Contributions.

SCHEDULE 6

COMMENCEMENT NOTICE

TO: Planning Obligations Manager
Hereford Council
Plough Lane
Hereford
HR4 0LE

("**Council**")

FROM:

("**Owner**")

DEVELOPMENT: (description of development and site name):
RELEVANT PLANNING PERMISSION (reference number):
RELEVANT SECTION 106 AGREEMENT (date and parties):
("Section 106 Agreement")

I/We Owner * hereby put the Council on notice that we intend to commence development on

[[ ]] 20[ ]. This notice is the Commencement Notice served pursuant to the Section 106 Agreement.

DATED this day of 202[ ]

Signed by the Owner or an authorised signatory of the Owner

SITE PLAN

ANNEX 2

GREEN INFRASTRUCTURE PARAMETER PLAN

ANNEX 3

AFFORDABLE HOUSING MIX

Social Rent	No.	%	SQFT	SQM	Build Standards
1 bed 2 person Flat	12	29%	538	50	M4 Cat 1
1 bed 2 person Maisonette GF	12		538	50	M4 Cat 2
1 bed 2 person Maisonette FF	12		647	60	M4 Cat 1
1 bed 2 person Bungalow	1		538	50	M4 Cat 2
2 bed 3 person Bungalow	1	35%	657	61	M4 Cat 2
2 bed 4 person Bungalow	2		999	93	M4 Cat 3
2 bed 4 person House	42		850	79	M4 Cat 1
3 bed 5 person House	36	28%	1001	93	M4 Cat 1
4 bed 6 person House	8	6%	1141	106	M4 Cat 1
5 bed 8 person House	2	2%	1458	135	M4 Cat 1
Total	128	100%			

Shared Ownership or Discount Market Sale	No.	%	SQFT	SQM	Build Standards
2 bed 4 person House	30	49%	850	79	M4 Cat 1
3 bed 5 person House	31	51%	1001	93	M4 Cat 1
Total	61	100%			

Total	189				

IN WITNESS of which the parties have executed this Agreement as a Deed on the date first written above

EXECUTED AS A DEED when the)

COMMON SEAL of the)

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL)

was hereunto affixed **BY ORDER**)

Authorised Signatory

EXECUTED AS A DEED BY
BLOOR HOMES LIMITED
In the presence of:-

Director

Director/Secretary

Committee Briefing Document

Outline planning application ref. NO. 242558 -
Land to the South of Lower Bullingham, Hereford

Indicative view across public open space towards new homes.

About Bloor Homes

Bloor Homes is a family owned, private company with long-standing relationships in Herefordshire and a proud track record of delivering hundreds of high-quality new homes in the County, to include our Hereford Point development at Holmer and The Arches at Ledbury. We are dedicated to quality, thoughtful design and the creation of thriving communities. It is this commitment that has made Bloor one of the UKs most trusted and respected homebuilders. Indeed, for the sixth consecutive year, Bloor Homes has been recognised by the Home Builders Federation as a Five Star Housebuilder.

The Proposals

Our outline planning application is for Phase 1 of the allocated sustainable urban extension to Hereford at Lower Bullingham . It comprises:

Up to 540 new homes of which 35% (up to 189) would be affordable homes of a mix of type and tenure as agreed with your Housing Officers. The new homes would be a mix of 1, 2, 3, 4 and 5-beds and include bungalows.

Around 5.5 hectares of new employment land for a range of uses within Use Classes B and E. This will provide exciting new opportunities for inward and indigenous investment into the local economy, complementing the aims and objectives of Skylon Park, Hereford's Enterprise Zone and the wider South Wye locality.

A mixed- use local centre which could include convenience retail, a cafe, new office space and a local transport hub; to include space for car charging, beryl bikes and cycle lockers.

Extensive on and off site highway and sustainable transport infrastructure to include early delivery of 'The Twyford Link': a sustainable new foot, cycle and bus - only route through the site directly connecting Hoarwithy Road to Rotherwas Industrial Estate by active travel measures.

A Country Park providing informal recreation opportunities for the new and existing local community. Totalling over 15 acres, the Park will include new wildflower meadows, native woodland and wetland tree and shrub planting, surfaced and mown paths, picnic areas and biodiversity enhancements. The Park will be accessible on foot and cycle by a proposed 'green lane' (non-car) section of Lower Bullingham Lane with crossing enhancements proposed on Green Crize.

Over 10% Biodiversity Net Gain delivered on-site.

Engagement

In bringing forward our development proposals at Lower Bullingham, we engaged with the local community at an early stage and throughout the determination process, to include several consultation and update meetings with Lower Bullingham Parish Council, Hereford City Council, Callow and Haywood Parish Council, Ward Cllrs. and Cabinet members. We also engaged in comprehensive pre-application advice with Officers and key stakeholders, including the Hereford Enterprise Zone, Lead Local Flood Authority, Environment Agency, Local Highway Authority and National Highways. All of this consultation and advice has informed and helped shape the development proposals.

Community Benefits

In addition to providing a range of much needed new affordable and market homes, the proposals will deliver the following benefits to the local area, to be secured by planning conditions and the S106 Agreement.

- Over 50 acres of new, accessible public open space to include a Country Park. Notably, around 50% of the application site is green infrastructure offering both formal and informal recreation opportunities.
- New foot and cycle path infrastructure improvements from the site, along Hoarwithy Road up to the Saxon Community Hall access.
- A contribution of £2.6m for off-site active travel infrastructure projects arising from the Council's Local Transport Plan and the Local Cycling, Walking and Wheeling Infrastructure Plan.
- A contribution of almost £1m towards new sustainable transport initiatives including the delivery of a new Bus service to and through the site, linking Hoarwithy Road to Rotherwas Industrial Estate via 'The Twyford Link'.
- £2.5m towards local pre-school, primary, post-16, Youth and Special Education Needs and Additional Provision services and facilities.
- Over £750,000 to support the NHS deliver additional capacity, equipment and healthcare facilities / infrastructure at Hereford County Hospital and within the primary care network.
- A contribution of around £450,000 to support outdoor sport opportunities identified in the Herefordshire Playing Pitch and Outdoor Sports Strategy and Action Plan.
- Around £75,000 towards the redevelopment of the Shire Hall for the new Library.

Sustainable Homes

Bloor Homes is committed to addressing the climate change emergency. All new homes will be constructed to meet the latest Building Regulations and the forthcoming Future Homes standards when they come into force. This will incorporate enhanced building fabric to maximise thermal efficiency and a range of renewables technology to include solar PVs and a minimum 7KW electric vehicle charging point to all homes. Such technologies will also be introduced at the Local Centre and the new employment units.

Proposed Country Park.

Delivery Timeframe

Should the Planning Committee resolve to grant outline planning permission for the development, Bloor Homes will promptly engage in further pre-application advice with your Officers and prepare a first reserved matters application for submission following completion of the S106 Agreement.

Our aim would be to commence works on the site access roundabout and supporting infrastructure in Spring 2027, with the first residential occupations in Spring 2028.

Impression of the Twyford Link highway arrangements.

ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT OF CONFORMITY

Land to the south of Lower Bullingham, west of the Rotherwas Industrial Estate, Hereford, HR2 6JW
Planning Application Reference P242558/O

Introduction

This Environmental Impact Assessment (EIA) Statement of Conformity has been prepared by Ridge and Partners, with input from the Environmental Statement (ES) technical chapter authors, in relation to an outline planning application at land to the south of Lower Bullingham, west of the Rotherwas Industrial Estate, Hereford, HR2 6JW ('the site'), submitted under planning application reference P242558/O on 3rd October 2024.

The description of the 'Proposed Development' is as follows:

> *"The first phase of an urban extension (known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling). All matters are reserved for future consideration save for 'access'. Only the means of access into the site is sought aspart of this outline application, not the internal site access arrangements."*

The application was supported by an ES which was produced in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and assessed whether there would be any likely significant effects as a result of the Proposed Development.

This Statement of Conformity is now submitted in response to queries regarding the absence of the approved Southern Link Road ('SLR') scheme (now termed the Hereford Bypass Phase 1) within the list of potential cumulative schemes considered in the ES, as well as a query regarding the time lapse between ES baseline studies and the submission of the ES and the Lower Bullingham Phase 1 planning application.

Overall, this Statement confirms that the operational and construction effects arising from the SLR proposal are non-material in the context of the ES and do not alter the results or conclusions previously reached. It also confirms that the time elapsed since the ES baseline studies does not result in any changes to the results and conclusions reached in the ES. Further detail in response to the points raised is provided under the headings below.

Consideration of Cumulative Effects of the SLR Scheme

Transport

Operational Effects

A list of development and transport infrastructure schemes to consider cumulative effects was agreed as part of the formal EIA and Transport Assessment Scoping process. As part of this, it was agreed with Officers that this should not include the SLR as there was not a firm commitment from the Council for this scheme proceeding within the time horizon of the modelling assessment years considered at the time the modelling was undertaken, in line with guidance set out in the DfT's WebTAG. This set of assumptions was

subsequently coded into the modelling (both SATURN – strategic modelling and the VISSIM – microsimulation modelling).

Notwithstanding this, based on a review of the available information, the SLR scheme, once fully operational, is anticipated to improve network operation and capacity within the area, particularly along the A49 corridor and junctions which intersect with this corridor.

Consequently, the assessment of transport and movement related environmental effects presented within the ES, which does not assume delivery of the southern link road scheme, represents a robust scenario. Accordingly, no materially different conclusions on likely significant effects during the operational phase are anticipated.

Construction Effects

The current programme is for construction of the first phase of the Bypass, namely the SLR to be commenced in December 2026. Completion would likely be some time after this.

We understand the second phase, which provides the onward western Bypass, to include completely by-passing the current A49 river crossing, will be subject to further technical and engineering analysis. It is not due for commencement for some time (a timescale for future delivery is not yet specified).

There could be overlap during the construction activities of the Phase 1 Lower Bullingham development and the southern link road. Construction of the second phase of the Bypass is likely to occur well outside of the time horizons assessed within the Lower Bullingham Phase 1 ES.

A high-level estimate using the methodology in the TRICS Construction Traffic Research Report (JMP, 2008) has been undertaken to quantify the number of movements during construction associated with the Phase 1 Lower Bullingham development. This estimates, at peak construction activity, there could be 35 two-way construction vehicle movements per day. The Transport Assessment prepared for the southern link road forecasts up to approximately 100 two-way vehicle movements per day at peak construction of this infrastructure scheme. The respective Construction Traffic Management Plans would control these movements to reduce impacts on the network during the peak periods and restrict movements to key corridors such as the A49 and B4399 (Rotherwas Relief Road), as far as reasonably practicable.

For context, background traffic flows on the A49 and B4399 are in the order of 13,000 and 4,000 two-way daily vehicles. The cumulative movements forecast during construction of the southern link road and Phase 1 Lower Bullingham development, even during the peak construction period, represents only a small proportion of vehicles on the network, (<1% on the A49 and 3% on the B4399). Accordingly, no materially different conclusions on likely significant effects during the construction phase are anticipated.

Conclusion

Overall, the conclusions of the ES chapter are therefore deemed to be robust with the inclusion of the southern link road only improving conditions on the local network from an operational perspective.

Consideration of the time lapse between ES baseline studies and ES submission

Ecology

With regard to ecology baseline surveys, the site has been subjected to an extensive suite of ecological survey work undertaken between 2016 and 2023.

It is considered that the ecological baseline information presented within the ES remains sufficiently robust and up to date to inform the determination of the application.

The site comprises predominantly low-distinctiveness habitats. Based upon the illustrative proposals, which include a Country Park, the proposed development would deliver a significant Biodiversity Net Gain.

Given it is an outline planning application, the ecological constraints have been identified at this stage, the arable habitats are unlikely to have significantly changed, and the scheme would deliver a package of meaningful enhancements for protected species, it is acceptable that, Draft Condition 16 requires an updated ecological assessment/walkover no more than 3 months prior to commencement of development within any phase and the submission of updated results and reports, where required by the updated assessment and walkover.

Landscape

With regard to the landscape and visual baseline, there is no specific guidance on how frequently baseline studies must be updated for landscape and visual impact assessment. GLVIA3 and the statement of clarification don't refer to this, and it is therefore considered to be a matter for professional judgement.

The ES viewpoints were undertaken in December 2023, within one year of the application submission, which is considered a standard timeframe. Further, in this instance the planning policy, landscape character and green infrastructure publications referred to within the baseline have not changed since the ES chapter was prepared, nor have the relevant identified landscape-related designations. The visual baseline is also not expected to have changed to any notable extent that would alter the basis for the assessment.

Accordingly, the LVIA work remains robust, and the conclusions of the ES chapter remain valid and unchanged.

Conclusion

As above, it is concluded that the SLR scheme will have no material bearing upon the results and conclusions of the Transport ES Chapter, with the inclusion of the SLR only improving conditions on the local network from an operational perspective. Therefore, the EIA remains valid in this respect.

Furthermore, it is considered that the environmental information reported within the ES remains sufficiently current and robust to inform determination of the application and that no material changes have occurred which would alter the conclusions of the ES.

PLANNING AND REGULATORY COMMITTEE

3 June 2026

PUBLIC SPEAKERS

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
6	Bloor Homes per Ms Tara Maizonnier	The first phase of an urban extension (known as the Southern Urban Expansion in the Herefordshire Local Plan Core Strategy) comprising up to 540 homes (Use Class C3); employment land (Use Class B and E), local centre and a country park together with supporting public open space, and all other associated works (e.g. demolition of existing industrial buildings, drainage, landscaping and ground modelling). All matters are reserved for future consideration save for 'access'. Only the means of access into the site is sought aspart of this outline application, not the internal site access arrangements.at **LAND TO THE SOUTH OF LOWER BULLINGHAM, WEST OF THE ROTHERWAS INDUSTRIAL ESTATE, NORTH OF THE ROTHERWAS, HEREFORD, HR2 6JW**	242558	**39**
	OBJECTOR **SUPPORTER**	**MS BOWELL (Local Resident)** **MR RAWLINGS (Applicant)**		

Herefordshire Council

MEETING:	**PLANNING AND REGULATORY COMMITTEE**
DATE:	**29 JULY 2026**
TITLE OF REPORT:	**163932 - PENDING S106 AGREEMENT - 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 AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE,** **For: The Owner and/or Occupier per Russell Smith, 119 Promenade, Cheltenham, GL50 1NW**
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/planning-search/details?id=163932
Reason Application submitted to Committee – Re-direction	

Date Received: 7 December 2016 **Ward: Bromyard West** **Grid Ref: 364358,254665**

Expiry Date: 11 May 2026

Local Members: Cllr Clare Davies (Bromyard West)

UPDATE REPORT

1.0 BACKGROUND / PURPOSE OF THIS REPORT

1.1 The application seeks outline planning permission for a sustainable urban extension comprising up to 250 dwellings, public open space, allotments, school expansion land, children's play areas, sustainable drainage infrastructure, internal roads and associated works at Land at Hardwick Bank, Bromyard. Detailed approval is also sought for access and layout, with all other matters reserved for consideration later. The site forms part of the strategic housing site identified under Policy BY2 of the Core Strategy for up to 500 dwellings.

1.2 The purpose of this report is to update members on the application and to seek a revised resolution in light of the continued failure to complete the Section 106 agreement necessary to make the development acceptable in planning terms.

1.3 Members will recall that Planning and Regulatory Committee considered the application on 17 January 2024 and resolved that planning permission be granted subject to the completion of a Section 106 agreement within six months to secure affordable housing, infrastructure contributions, phosphate mitigation and associated planning obligations.

1.4 The application was subsequently returned to Planning and Regulatory Committee on 17 July 2024 as the Section 106 agreement had not been completed within the prescribed timescale. Members resolved to provide a further extension until 17 November 2024 and delegated authority to continue negotiations where reasonable progress was being made.

1.5 At the date of preparing this report, the Section 106 Agreement remains incomplete and planning permission has not been issued. Approximately two and a half years have now elapsed since the original committee resolution to grant planning permission. Despite ongoing attempts by officers to progress the Agreement, little substantive progress has been made in recent months. Officers understand that instructions required from the applicant to enable completion of the Agreement have not been forthcoming and, consequently, the legal process has stalled.

1.6 Officers have continued to engage with the applicant's agent in an effort to secure completion of the Section 106 agreement and resolve outstanding matters. Notwithstanding the above, the agreement remains incomplete and therefore, the obligations previously identified by committee have not been secured.

1.7 The planning obligations were considered necessary to make the development acceptable and included, amongst other matters:

- Affordable housing provision;
- Education contributions;
- Transport contributions;
- Sports and recreation contributions;
- Healthcare contributions;
- Public open space management arrangements;
- Land transfer for school expansion; and
- Nutrient mitigation through the purchase of phosphate credits from Herefordshire Council.

1.8 In the absence of a completed legal agreement, these matters cannot be secured and the Local Planning Authority is therefore unable to issue planning permission on the basis of the committee's previous resolution.

1.9 Members are referred to the committee reports dated 17 January 2024 and 17 July 2024, attached as **Appendix 1** and **Appendix 2** respectively. Those reports contain the full description of the site and proposal, consultation responses, planning assessment and reasons underpinning the previous committee resolutions. This update report should therefore be read in conjunction with those reports and focuses on matters which have changed since the application was last reported to committee. This report therefore does not revisit matters which are considered to remain unchanged.

2.0 OFFICER APPRAISAL

2.1 The merits of the proposal were comprehensively assessed within the committee reports attached as **Appendix 1** and **Appendix 2**. Officers have reviewed the application in light of the matters set out in those reports and consider that the principal issues requiring reconsideration relate to the continued failure to complete the Section 106 agreement and the consequential inability to secure phosphate mitigation.

2.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration.

2.3 The application site forms part of the strategic housing allocation identified under Policy BY2 of the Herefordshire Local Plan – Core Strategy. The principle of residential development on the site was previously accepted by Planning and Regulatory Committee when members resolved to grant outline planning permission on 17 January 2024, subject to the completion of a Section 106 agreement.

2.4 The application subsequently returned to Planning and Regulatory Committee on 17 July 2024 where members resolved to extend the period for completion of the Section 106 agreement. Despite this additional time and continued engagement between officers and the applicant, the legal agreement remains incomplete

2.5 With this in mind, Policy ID1 of the Strategy requires development proposals to provide or contribute towards the infrastructure, services and facilities necessary to mitigate their impacts and support sustainable development.

2.6 The previous committee resolution identified a number of planning obligations that were necessary to make the development acceptable in planning terms. These included the provision of affordable housing, education contributions, transport improvements, healthcare contributions, public open space management arrangements, sports and recreation provision, land for school expansion and nutrient mitigation.

2.7 The Council remains of the view that these obligations are necessary, directly related to the development and fairly and reasonably related in scale and kind to the proposal, having regard to Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

2.8 In the absence of a completed Section 106 agreement there is no mechanism through which these obligations can be secured. As such, the proposal fails to mitigate its impacts and cannot be considered policy compliant.

Impact on River Lugg / Wye Special Area of Conservation (SAC)

2.9 The application lies within the River Lugg catchment and is therefore subject to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) having regard to the River Wye SAC.

2.10 An Appropriate Assessment (AA) was undertaken by the Council in November 2023. The assessment identified that the development would generate an annual phosphorous load of 35.08kg TP/year requiring mitigation. The assessment concluded that this impact could be fully mitigated through the purchase of phosphate credits from Herefordshire Council's Integrated Wetland Programme, secured as part of the Section 106 agreement. The AA concluded, therefore, that there would be no adverse effect on the integrity of the River Wye SAC, subject to the mitigation being secured.

2.11 Natural England was consulted on the AA and confirmed that it had no objection to the proposal and agreed that, with the appropriate mitigation secured, there would be no adverse effect on the integrity of the River Wye SAC.

2.12 However, as above indicated, the phosphate mitigation relied upon by the AA has not been secured because the Section 106 agreement remains incomplete. The mechanism through which the required phosphate credits would be purchased and secured therefore does not exist. The credit allocation would be released, and this means that the quantum of credits reserved for this development would be available to mitigate other eligible developments in the relevant catchment.

2.13 As a consequence, the mitigation relied upon by both the Council's Appropriate Assessment and Natural England's consultation response cannot be secured. In the absence of a completed planning obligation, officers are unable to rely upon the conclusions of the AA and the proposal fails to demonstrate nutrient neutrality.

2.14 As such, the proposal fails to demonstrate nutrient neutrality and the Local Planning Authority cannot conclude, beyond reasonable scientific doubt, that the development would not adversely affect the integrity of the River Wye Special Area of Conservation, either alone or in combination with other plans and projects. In the absence of the required phosphate mitigation, the proposal is contrary to Policy SD4 of the Core Strategy, the Conservation of Habitats and Species Regulations 2017 (as amended) and the principles set out in the NPPF.

Ecology

2.15 The application was supported by an Ecological Appraisal dated December 2022, which include a suite of habitat and protected species surveys undertaken during 2022. These informed the consideration of the application when it was reported to Planning and Regulatory Committee in January 2024.

2.16 Given the passage of time since those surveys were undertaken, officers have reviewed the ecological position in consultation with the Council's Ecologist. They have advised that there is no evidence to indicate that circumstances have changed to such an extent that the principle of development is no longer capable of being appropriately mitigated through the detailed design process. However, updated ecological information would be expected to support the future consideration of Reserved Matters submissions, including the matter of landscaping in relation to habitat creation and enhancement, protected species, biodiversity delivery and lighting.

2.17 As such, whilst the age of the ecological information is noted, it is not considered that it constitutes a determinative reason for refusal of the current outline application.

3.0 CONCLUSION

3.1 The Planning and Regulatory Committee previously considered the proposals in January 2024 and resolved that planning permission be granted, subject to the completion of a Section 106 agreement. In reaching that conclusion, members accepted the principle of residential development on this strategic housing site identified within the Development Plan, and concluded that, subject to appropriate mitigation, the proposal represented a sustainable form of development capable of delivering significant housing growth, including affordable housing, together with public open space, education land, drainage infrastructure and other associated benefits.

3.2 The application subsequently returned to committee in July 2024, at which time members agreed to provide additional time for the completion of the Section 106 agreement in recognition of the ongoing negotiations and the strategic significance of the site.

3.3 The proposed development itself remains unchanged, and for the reasons set out within **Appendix 1** and **Appendix 2**, officers still recognise that the site is identified for growth under Policy BY2 of the Core Strategy. Furthermore, the assessments previously relied upon, including the Council's Habitat Regulations Assessment and the consultation response from Natural England, demonstrated that the impacts of the development could be satisfactorily addressed through the mitigation package proposed at that time.

3.4 However, the committee's previous resolution was expressly dependent upon the completion of a Section 106 agreement. Despite the passage of a significant period of time and continued engagement between officers and the applicant, that agreement remains incomplete. As a consequence, the Local Planning Authority is unable to secure the affordable housing, infrastructure contributions, school expansion land, public open space management arrangements and other planning obligations previously identified as necessary to make the development acceptable in planning terms.

3.5 Critically, the legal mechanism required to secure the phosphate mitigation identified through the Council's Appropriate Assessment has also not been completed. Accordingly, the mitigation relied upon by both the Council and Natural England to conclude that there would be no adverse effect on the integrity of the River Wye Special Area of Conservation cannot be secured.

3.6 Officers acknowledge that the principle of development on this strategic housing site remains established through the Development Plan, and that the proposal would contribute towards the Council's housing supply, including the delivery of affordable housing at a time when the Council cannot currently demonstrate a five-year supply of deliverable housing land. However, the absence of a completed Section 106 agreement means that the proposal fails to secure the mitigation and planning obligations (including the provision of said affordable housing) previously identified as necessary to make the development acceptable in planning terms. Furthermore, in the absence of secured phosphate mitigation, the Local Planning Authority cannot conclude that the proposal would not adversely affect the integrity of the River Wye Special Area of Conservation in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). The proposal is therefore contrary to Policies H1, OS1, OS2, ID1, SD4 and BY2 of the Core Strategy, the NPPF and the Habitats Regulations

3.7 The benefits associated with the development are recognised, including the provision of market and affordable housing on a strategic site. However, those benefits in themselves do not overcome the fundamental requirement to secure the planning obligations and phosphate mitigation previously identified as necessary. As such, it is concluded that planning permission cannot lawfully be granted and therefore, refusal is recommended.

4.0 <u>RECOMMENDATION</u>: That officers named in the Scheme of Delegation to Officers be authorised to refuse outline planning permission for the reasons set out below.

1. In the absence of a completed planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, the proposed development fails to secure affordable housing, education contributions, transport contributions, healthcare contributions, sports and recreational provision, public open space management arrangements, land transfer for school expansion and other planning obligations necessary to make the development acceptable. The proposal is therefore contrary to Policies H1, OS1, OS2, BY2 and ID1 of the Herefordshire Local Plan – Core Strategy, the Council's Planning Obligations Supplementary Planning Document and the National Planning Policy Framework.

2. In the absence of a completed planning obligation planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, securing the phosphate mitigation identified as necessary through the Council's Habitats Regulations Assessment, the proposal fails to demonstrate it would be 'nutrient neutral', and the Local Planning Authority cannot conclude that the development would not adversely affect the integrity of the River Wye Special Area of Conservation. The proposal is therefore contrary to Policy SD4 of the Herefordshire Local Plan – Core Strategy, the Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.

INFORMATIVES:

1. **In accordance with the requirements of the National Planning Policy Framework, Herefordshire Council has worked proactively and positively with the applicant throughout the consideration of this application. The Planning and Regulatory Committee previously resolved to grant planning permission subject to the completion of a Section 106 Agreement and subsequently agreed to extend the period for completion of that agreement. Despite continued engagement and negotiation between the Local Planning Authority and the applicant over a prolonged period, the Section 106 Agreement has not been completed and the planning obligations and phosphate mitigation necessary to make the development acceptable in planning terms have therefore not been secured. Subsequently, in these circumstances the Local Planning Authority has been unable to issue planning permission.**

Decision: .....

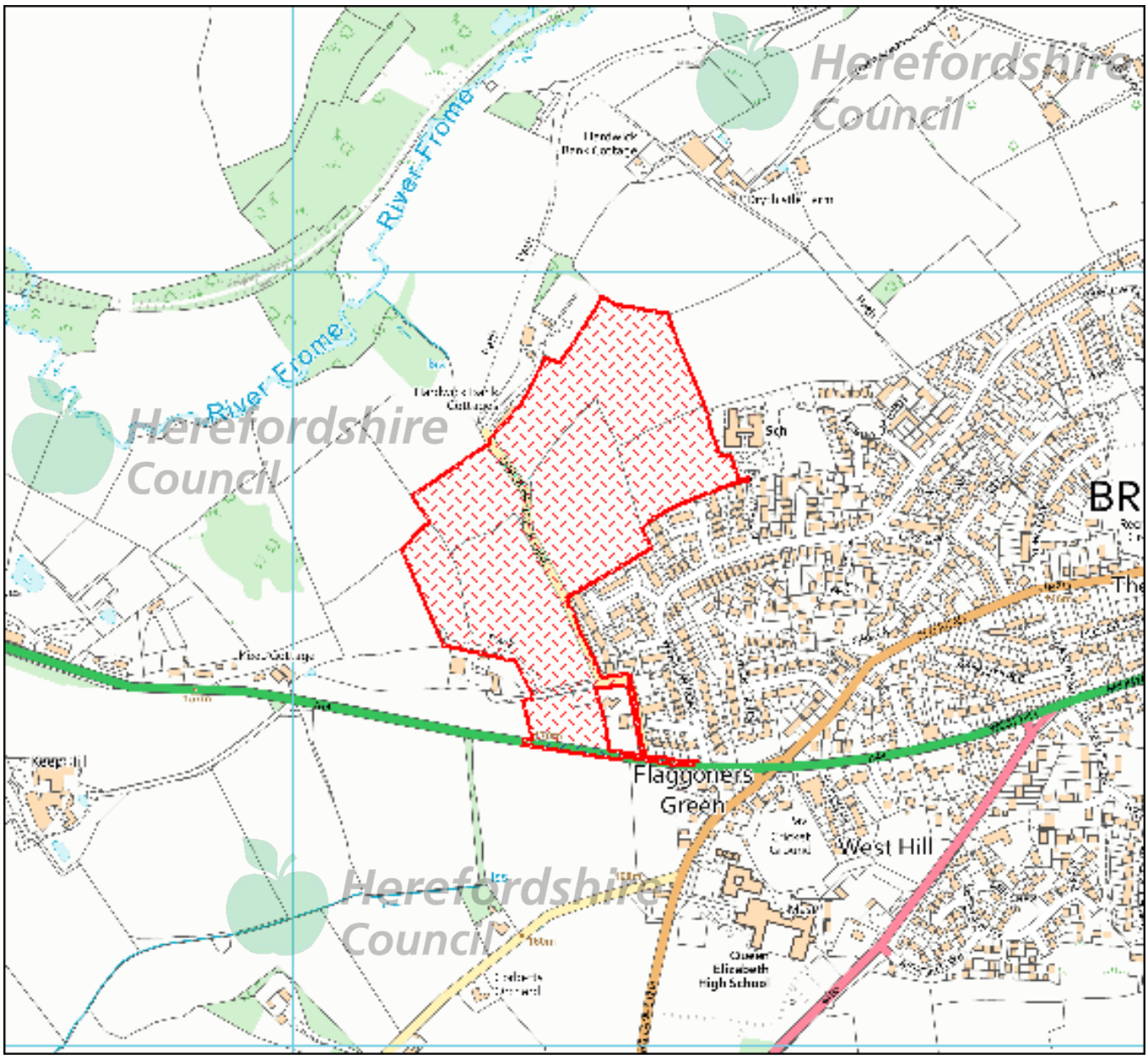
Notes: .....

.....

Appendices

Appendix 1 – Committee Report (January 2024)
Appendix 2 – Committee Report (July 2024)
Appendix 3 – Minutes – January 2024
Appendix 4 – Minutes – July 2024

Background Papers
No background papers



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APPLICATION NO: 163932

SITE ADDRESS : LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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Herefordshire Council

MEETING:	**PLANNING AND REGULATORY COMMITTEE**
DATE:	**17 JANUARY 2024**
TITLE OF REPORT:	**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 Mosiac Estates per Russell Smith, McLoughlin Planning, 119 Promenade, Cheltenham, GL50 1NW**
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&search-term=163932
Reason Application submitted to Committee - Redirection	

Date Received: 7 December 2016 **Ward: Bromyard West** **Grid Ref: 364358,254665**

Expiry Date: 30 November 2023
Local Members: Cllr Clare Davies

1. SITE DESCRIPTION

1.1 The application site totals approximately 11.9 hectares of agricultural land known as 'Hardwick Bank' which is situated to the northwest of Bromyard. It is dissected by 'Upper Hardwick Lane' and is flanked to the east by established post-war housing off Winslow Road, including Broxash Close, Flaggoner's Close, Hardwick Close, Damson Tree Close and Cherry Tree Close (off which is St Peter's Primary School which also bounds the site), – most of which are two-storey semi-detached or terraces with gardens abutting the site (or Upper Hardwick Lane). The site is adjoined by further agricultural land and Upper Hardwick Cottages to the north, with the site neighbouring Stonehouse Farm to the southwest, to which access is taken from Upper Hardwick Lane.

The site essentially comprises six parcels of grazing pasture land and is undulating, rising steeply from the sites southern boundary with the A44 before falling away to the north and Upper Hardwick Lane, affording extensive views. An existing public right of way (PRoW) WN2 provides a link from Damson Tree Close through the site, connecting with Upper Hardwick Lane. There are no designated heritage assets or national landscape designations on, or immediately adjacent to the site. The entirety of the site is located within Flood Zone 1, although is located within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC).

2. PROPOSAL

This application seeks outline planning permission to develop land at Hardwick Bank, Bromyard for up-to 250 dwellings. The application also seeks approval of the layout and means of access. It is a substantive revision of the original iteration deposited in 2017 which was made in outline with access for up-to 500 dwellings and extended beyond the current bounds of the application site in an easterly direction to Tenbury Road.

The proposal includes open space, allotments and landscaping together with school expansion land to the east of the site, adjacent to the boundary of the site with St Peter's Primary School. The development would include a main spine road, taking access from the A44 (Worcester – Leominster) to the west of the town. This would be flanked by a 2-metre footway through the main part of the site, as well as a 3-metre shared foot-cycleway providing a link to Cherry Tree Close. The development also links to existing PRoWs, namely that connecting the site to Damson Tree Close and the northern terminus of Upper Hardwick Lane. The layout provides for a higher density of development to side the main spine-road, with lower density pockets of development closer to the site's edges and where it meets with the open-countryside to the north and west. The proposal includes associated drainage infrastructure which principally include 2no. attenuation basins to the north and south ends of the site.

The proposal looks to provide a mix of open-market and affordable housing provision. It is envisaged that 40% of the policy required affordable housing would be secured through a Section 106, with a further 10% delivered through grant funding as additionality units.

Figure 1 – Composite Site Plan

3. PLANNING POLICY

3.1 Herefordshire Local Plan – Core Strategy

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS3	Releasing land for residential development
SS4	Movement and transportation
SS6	Environmental quality and local distinctiveness
BY1	Development in Bromyard
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

3.2 National Planning Policy Framework (December 2023)

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

4. HISTORY

4.1 None relevant

5. CONSULTATION SUMMARY

As the nature and extent of the proposed development has changed in a significant and material manner since the application was submitted to the Local Planning Authority in 2016, only the consultation responses received in relation to the revised submisison (up to 250 dwellings) received in 2023 are provided, unless previous consultation responses remain relevant (i.e where cirumstances are not altered by the revision or where they provide context to the 2023 consultation responses).

Where comments are particularly long or comprise large tables, these are included as appendices as referenced within.

All comments received are accessible in full on the Herefordshire Council website via the following link; -

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932

5.1 HC Built and Natural Environment Team (Ecology)
21/9/23 – no additional biodiversity ecology comments.

24/5/23 - These comments do not include Phosphate Credits/Nutrient Neutrality or required HRA Appropriate Assessment.

The updated ecological appraisal by The Environmental Dimension Partnership ref edp2364_r009a dated December 2022 is noted and refers.

This report includes reference to several previous ecological surveys completed over the extended period of this application and further additional 'refresh' surveys now utilised in the preparation of this report. There is thus a significant depth and spread of survey results on which this current report is based.

All relevant and appropriate general and species surveys appear to have been completed and this current report appears appropriately detailed and relevant to the proposed development site now revised down in scale from that originally submitted (500 down to 250 new homes). It is noted that this development may be further divided in specific Phases and comments are made accordingly.

The ecology report identifies some specific areas of specific ecological interest and the presence of small populations of some Protected Species (eg Reptiles) and general use of the site by other protected species such as multiple bat species. There are also identified ecological hotspots – often associated with existing wildlife corridors formed by hedgerows and trees.

The overall 'Illustrative Ecological Masterplan' ref edp2364_d047c dated 20th December 2022 provides a clear overview of the proposed areas to be retained and enhanced and additional new open space and natural-semi-natural greenspace and wildlife corridors that will be created across the final completed development.

This masterplan provides sufficient detail to support the more detailed information in the report to demonstrate that there will be no nett loss of biodiversity and that subject to specific ecological working methods there will be no effect on local protected species populations. If the development is subject to phasing the ecological plan and proposed enhancements should be completed as part of Phase 1 to ensure that all biodiversity mitigation and habitats supporting local protected species populations are implemented so as to ensure there are no effects; and ensure mitigation features are established and in place in advance of being required for subsequent phases of the development.

A final fully detailed Landscape Ecological Management Plan (plans, specifications, creation methodology and minimum 30 year establishment-management scheme) to cover all phases of development should be secured as a pre-commencement condition and once approved implemented in full during Phase 1 of the development. Relevant condition required. The applicant is reminded that spikey-thorny species should not be located adjacent to any highway, footway or formal public open space/play for safety reasons (Highway Design Guide compliance) and it is suggested that the same is applied to domestic curtilages for safety of the occupants and their families.

Prior to each phase of development an updated Construction Environmental Management Plan – covering all potential environmental effects of that phase of construction (eg machinery use, materials, transport, noise, light. Dust) and including all relevant detailed ecological working methods should be supplied for approval by the planning authority. This CEMP should also fully consider all movement and storage of soils and potential sediment and nutrient wash-out – relevant mitigation methods should be clearly detailed (this aspect of the CEMP will be required through the separate HRA process). As necessary each Phase will require an updated ecological assessment to support the phases' CEMP. Relevant condition required

Prior to each phase of the development and based on final layout and plans for homes approved a detailed scheme detailing locations and specifications for 'hard' habitat enhancements to be built into, or attached, to new dwellings such as at a minimum a meaningful provision of bat roosting bricks/boxes, bird boxes including provision for house 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 for approval by the LPA. It is anticipated that the majority of dwellings in each phase will be suitable to support some form of 'hard' habitat enhancement. Relevant condition required

For private dwelling private lighting should be controlled to minimise effects on local dark skies and foraging/commuting of light sensitive nocturnal species (including protected species such as known local bat populations). A suggested condition would be:

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

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

All 'public' lighting should be designed with dark skies and ecology interests in mind and street lighting should be directional down-lighting luminaires and have a 'warm' colour temperature (under 3000 Kelvin). The same proportional dimming system across the period of darkness as previously utilised by the council would be welcomed to further reduce any effects of new lighting.

5.2 HC Built and Natural Environment Team (Open Spaces Planning Officer)
6/7/23 –
Open Space Evidence Bases: As part of the Core Strategy Review the following evidence bases have been updated and reviewed.

- Herefordshire Open Space Assessment, Strategy and Action Plan 2023 (to note although complete it is not as yet published on the planning website).
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Assessment September 2022
- Herefordshire Playing Pitch and Outdoor Sports(PPOS) Strategy and Action Plan Feb 2023
- Herefordshire Indoor and Built Sports Facilities Assessment September 2022
- Herefordshire Indoor and Built Sports Facilities Strategy and Action Plan Feb 2023

On site POS/Green Infrastructure:

Quantum: It is noted in the Planning Statement that the proposed development incorporates 3.76ha of GI which includes opportunities for equipped play and trim trial equipment, allotments and orchards which accords with CS policies OS1 and OS2 and standards of provision previously set out and is in excess of the standards set out in my 2017 comments for 250 houses.

It also accords with the Open Space Assessment, Strategy and Action Plan 2023 which recommends in particular for Bromyard given deficiencies in provision of both accessible greenspace and provision for teenagers and children

- The creation of more open space, particularly larger areas of amenity or natural and semi-natural greenspace which offers a range of formal and informal activities.
- Explore the opportunity to introduce doorstep and local provision for children and teenagers, including equipped play and informal play spaces

Quality/Accessibility: It is acknowledged that there is improvement to the layout compared with the pre-app sketch from last year. The site now proposes the following which are welcomed:

- Circulatory pedestrian connections provided as part of the GI to provide connectivity throughout the site
- POS provided to support social interaction, to include play-scape opportunities, informal picnic areas and community gardens.
- Key crossing providing a green connection between the eastern and western parts of the development
- House frontages to all public areas to ensure good secure design principles are endorsed
- Cross connectivity between east and west green spaces achieved by utilising a short section of Hardwick Lane. A direct connection is not possible given the juxtaposition of ground levels.

It is however understood that although this is an outline application, the applicant is seeking approval for the detailed layout and in discussion with the Council's Landscape Officer the following issues are hi-lighted in order to raise standards.

- CENTRAL POS
    - This does not need to be a "formal park" as included in CS policy BY2 - the latest 2023 Open Space Assessment supports multifunctional open space.
    - Poor access into the central open space; there is no main entrance and other access points are just at the end of cul-de-sacs.
    - The access across Hardwick Lane is welcome.
    - There needs to be stronger planting proposals along the cul-de-sacs with positive entrances at the end – to sign post and welcome people into the central space.
    - The park frontage along the main spine road could be better designed, with less hedgerow enclosure, less parked cars and seek to relocate the sub-station – this corner is better suited to a public art sculpture as a focal park entrance

- LARGE BALANCING POND
    - Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.
    - The SuDs basin will have a maximum of 1:4 side slopes. This is supported as 1:3 is the minimum for health and safety of standing water if located in POS.

- ALLOTMENTS
    - the latest evidence base Open Space Assessment, Strategy and Action Plan 2023 indicates that:
    - With regard to the allotment provision:
        - Review the demand for allotments in Bromyard and develop a standard of provision based on this level of need.
    - Clarity should therefore be sought from the Bromyard Town Council, who own and maintain existing provision within the town.

- Location, topography and design also need to be considered. Facilities might be needed – fencing, sheds, access paths, water.

- COMMUNITY GARDEN -SITE ENTRANCE AREA FROM A44
  - The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required.
  - This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked.

With these in mind and the overall delivery of on-site green space and green infrastructure, the councils latest evidence base the Open Space Assessment, Strategy and Action Plans 2023 provides some useful guidance for delivery of good quality green spaces and recommends that:

Green spaces:
- Are Multi-functional - open spaces provide a broad range of features and facilities to support the health and well-being of the residents.
- Reflect a multi-functional network and offer differing functions appropriate to the environmental context.
- Consider forming part of the wider green and blue infrastructure network
- Where possible consider the following:
  - Extension of tree canopy
  - Incorporation of SuDS
  - Increased connectivity to the local nature recovery network including the creation of wildflower grasslands, hedges and woodlands
  - Reflect local distinctiveness, including landscape character, conservation and heritage of the location.

In principle green spaces should:
- Provide equality of access to enable people to use an open space without anxiety and excessive effort.
- Design and locate play spaces, access points and seating to have regard for the needs of all residents and users.
- Ensure entrances are wide and step free.
- Incorporate social seating and relaxation areas and sensory planting
- Incorporate natural and semi-natural habitats.
- Promote movement between different open spaces by us of signage and active travel networks
- Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces
- Have well located entrances with clear sight lines in and out
- Signage to indicate what to expect to find within the site
- Provide routes within and through the site suitable for a variety of users
- Provided well located spaces for gathering and seating to reduce the likelihood of antisocial behaviour
- Provide easy access where necessary through the provision of road crossings.
- Provide planting and landscape features for interest and to providing a welcoming environment

On-site Children's Play: Play provision is shown on Amended Illustrative Landscape Masterplan drawing no. edg2364_d047c to be provided in accordance with area requirements for this size of scheme. It is distributed across the site to form linear features throughout the scheme enabling it to be more natural in places and incorporated as a series of spaces and linear routes around the site along with more formal central provision.

In accordance with the Amended Composite Planning Layout drawing no. 0687-102:

- Accommodation Schedule consists (all housing including OMU and Affordable and excluding 8 x 1 bed) 83 X 2 bed, 20 x 3 bed, 39 x 4 bed

The value of on-site play provision is provided an indication to the applicant as to what is expected as a minimum and provides parity across all new development. It is calculated in accordance with the SPD on Planning Obligations and development costs only at 50%.

- 83 X 2 bed x £965
- 120 x 3 bed x £1,640
- 39 x 4 bed x £2,219

In this instance the cost value for play on site should be approximately £182,000. The applicant will be expected to demonstrate that this has been met as minimum. The details will not be published. I recommend that the details for play are conditioned or are submitted at the reserved matters stage.

Condition CA6 is recommended if appropriate and the following informative.

Informative. On-site children's play provision: We would expect the play area to be of the value £182,000 in accordance with the SPD on Planning Obligations and the size of the development.

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

A written scheme will be required detailing:

- the future management and maintenance requirements for the open space facilities
- how the Management company will be set up in order to fulfil its ongoing obligations and functions in relation to the open space facilities

Off-site Outdoor Sports Contribution: It is noted in the Planning Statement that the applicant has acknowledged that based on discussions with officers planning obligations will be sought to secure a range of matters.

In accordance with CS policies OS1 and OS2 an off-site contribution will be sought towards sports facilities within Bromyard.

As part of the Core Strategy Review, the evidence base for Playing Pitches has been updated and a new evidence base for Indoor Sports produced.

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

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

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

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

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

Local Facility						
Football/3G Queen Elizabeth High School Key Site Education	Two adult pitches of poor quality, available for community use.	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance
	The Football is currently working with the School regarding developing a small size 3G pitch. This project was identified within the LFFP and has secured S106 investment. The School is looking at a delegated Football Foundation application submission within the near future (3-6 months), however, it should be noted it is still subject to planning permission	Explore the opportunity to develop a small sided 3G pitch onsite. Ensure the provider has in place a mechanism for future sustainability, such as a sinking fund formed over time (as per Football Foundation Terms & Conditions), for repair and resurfacing when necessary. It is recommended that a sufficient level of mitigation for the netball/tennis courts is agreed prior to the approval of the conversion.	M	M	M	Provide
Cricket Queen Elizabeth High School Key Site Education	One standard quality, standalone NTP. The pitch is available for community use and is used actively by Bromyard CC for senior men's cricket on Saturday afternoons	Look to improve pitch quality with enhanced levels of maintenance.	L	L	L	Protect Enhance
Rugby Queen Elizabeth High School Key Site Education	One senior rugby pitch of M0/D1 (poor) quality. Pitch has no sports lighting and is available for community use. Pitch isn't currently utilised outside of school use	Look to improve pitch quality with enhanced levels of maintenance. Explore the opportunity to secure use of the site and make use of availability	L	L	L	Protect Enhance

Tennis Queen Elizabeth High School Key Site Education	Two macadam courts of poor quality, with no sports lighting and unavailable for community use. In addition, there is also another macadam area onsite, which previously accommodated tennis courts until c1999, this area has not been used for over two decades	Look to improve court quality with enhanced levels of maintenance	L	L	L	Protect Enhance
Cricket Flaggoners Green (Bromyard CC) Local Facility	One good quality grass square consisting of eight senior wickets and two junior wickets. Ancillary provision of good quality Senior wickets currently have spare capacity of seven MES, however, only has actual spare capacity for midweek cricket. The junior wickets are overplayed by three MES. Two lane net facility of poor quality, which needs fully resurfacing	Sustain square quality with appropriate levels of maintenance. Explore the opportunity to resurface net facility	M	M	L-M	Protect Enhance
Bromyard Skate Park Local Facility	One poor quality skate park with no sports lighting. A basic facility made up from wood/composite ramps upon a tarmac base consisting of two roll-in ramps with a funbox in the middle and a rail set to one side	Look to improve quality with enhanced levels of maintenance	L	L	L	Protect Enhance
Shooting Bromyard & District Rifle Club	Bromyard & District Rifle Club indicate a need to improve its facility- for which potential S.106 monies are available.	Support the club with facility developments.	L	M	-	Protect Enhance
Archery Bromyard	Bromyard Bowmen indicate a need to	Where possible support Bromyard	L	M	-	Protect Enhance

Archery Club	improve its facility- for which potential S.106 monies are available	Bowmen to improve its facility				

25/10/23 - I have reviewed the amended plans in discussion with the Council's Landscape Officer and issues with the detailed layout previously raised.

CENTRAL POS:

- It is noted that the area now provides opportunities for a multi-functional approach as recommended in the latest Core Strategy evidence bases for Green and Blue Infrastructure and Open Spaces which were completed 2023.
- It is noted that the access onto the central POS has been improved with the sub-station being moved (slightly) as to not be dominant feature to the access and a central access point and trees are now proposed. I would still welcome an "entrance feature" to this park.
- It is noted that the main pathways through the Central POS remain as grass cut. The applicant is reminded (as set out in the Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) to take account of:
    - Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces.
    - Provide routes within and through the site suitable for a variety of users
- Stronger planting proposals along the cul-de-sacs with positive entrances onto the central POS have not been considered and the plan looks to be little changed in this respect. Access to and from the POS should be equally considered as part of the wider GBI network and as recommended in Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) which sets out a number of principals in support of the creation of greener tree lined routes to the central POS:
    - greenspaces should be considered as a fundamental part of the wider green and blue infrastructure network
    - new open spaces should be in locations that join up communities and provide connectivity between neighbourhoods
    - Active travel networks, including off-road paths and cycle routes should be prioritised
    - Opportunities to provide extension to tree canopy coverage should be considered
    - Provision of planting and landscape features for interest to provide a welcoming environment

- ALLOTMENTS: it is noted that allotments are still proposed. Has the applicant sought clarity from the Bromyard Town Council regarding demand, have they demonstrated the suitability of the location, topography etc to accommodate the requirements for allotments.

- COMMUNITY GARDEN: it is noted that the community garden has been relocated.

- LARGE BALANCING POND
    - Section drawings have been submitted showing the 1:3 slope requirement for health and safety
    - However, there are still concerns re: the 2.5 metre high retaining wall to the road side and the squeezed in play provision. It is appreciated that this area could provide an opportunity for natural play and form part of the play trail around the site, but health and safety issues need addressing including safety rail fencing and consideration to the proximity of the road.

5.3 HC Built and Natural Environment Team (Arboriculture)

5.3.1 12/12/23 - No further comments to add.

I think the only arb condition needed is the standard one we have instructing developer to comply with tree protection - see below.

Regarding planting, has Mandy added one? If not I can provide one for you.

Tree Condition:
Trees In accordance with plans
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_r012a

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.

5.3.2 16/11/23 - Relevant Policies:

NPPF
131…….and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Herefordshire Local Plan
LD1……maintain and extend tree cover where important amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

LD3…… Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees hedgerows, woodlands.
……. Provisions of on-site green infrastructure; in particular proposals will be supported where this enhances the network.
……integration with, and connection to, the surrounding green infrastructure network.

I have a primary concern with what appears to be conflicting intentions of the developer to retain trees and the recommendations to fell a large number of Ash trees in the tree report – EDP Dec 2022.

The composite planning layout - 0687-102, illustrates a greater number of retained trees than the tree report recommendations. My assumption is 0687-102 is the more accurate, but it's necessary to show compliance with Herefordshire Policies LD1 & LD3. Therefore confirmation the Composite Planning Layout is the drawing to gauge tree constraints from is necessary prior to any approvals.

Ash is the predominant species here and to lose most would devalue the landscape value and diminish environmental benefits only afforded by mature canopy cover.

It's not uncommon for a Local Planning Authority to issue Tree Preservation Orders on large development sites. The reason for this is to ensure the long term management and protection of trees where the land usage changes drastically. My opinion is it would be prudent to serve an order on this site. The creation of the order would be to protect trees that are not constrained by the proposed layout.

5.4 HC Built and Natural Environment Team (Landscape)
5.4.1 25/10/23 –

I have reviewed the updated drawings and covering letter. In landscape terms there are a number of issues that remain of concern. While some could be dealt with at reserved matters, others may still be part of the outline considerations.

- The large balancing pond at the north of the site shows a retaining wall 2.5m high. This will be particularly unattractive and does not work with the natural topography. No detail is provided in relation to a safety rail. A play feature is indicated nearby, now squashed in by visitor parking, the hard engineered edge of the drainage feature and the substation. This layout is not acceptable and needs to be addressed in more detail at this outline stage. The play feature could be moved.

- External works drawings show all hard surfaces as tarmac. This is dull and monotonous. Ideally some car park bays could be block paved and pedestrian paths could have paving slabs.

- At least some of the footpaths through the public open spaces must be hard surfaced, not just informal mown grass which are not suitable for all types of users (eg. Pushchairs and wheelchairs).

- It is disappointing that 'street trees' are provided within plots for private ownership, rather than within the streetscape itself to be maintained for the public benefit by a management company.

- There are no street frontage trees or garden hedges on the western side of the main spine road between plots 180 and 211.

- The pedestrian access and planting could be further improved along the cul-de-sacs that lead to the central POS.

- Planting details, specification and long term management plans will need to be provided at RM.

Contrary to Core Strategy Policy LD1, the character of the landscape has not influenced the design around the large northern balancing pond and does not create a positive new setting to this settlement. The new houses fronting this area need a design that integrates appropriately into its surroundings. The use of a single surface tarmac finish across the whole new estate does not show that the townscape character of Bromyard has been integrated into this design.

5.4.2 5/7/23 –

NATIONAL PLANNING POLICY FRAMEWORK

- NPPF para 130 (b) "*are visually attractive as a result of good architecture, layout and appropriate and effective landscaping."*

- NPPF para 130 (c) "*sympathetic to local character and history, including the surrounding built environment and landscape setting".*

- NPPF para 130 (d) "*establish or maintain an strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit".*

HEREFORDSHIRE CORE STRATEGY ENVIRONMENTAL QUALITY POLICIES

  - LD1 Demonstrate that character of the landscape and townscape has positively influenced the design…

- LD1 … protection and enhancement of the setting of settlements…
- LD1 Conserve and enhance the natural, historic and scenic beauty of important landscape and features, including Areas of Outstanding Natural Beauty…
- LD1 Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings;
- LD3 …Provision of on-site green infrastructure

OTHER GUIDANCE

- Section 6.7 of NE Green Infrastructure Framework - roads that are designed with suitable capacity to accommodate more tree planting with larger pits, verges and sustainable drainage features like rain gardens.
- Section 10, Living with Beauty - create a place ideal to walk in, where there is greenery frequently present and where the streets and squares are beautiful to look at.
- Introduction to Building with Nature standards framework - provide high quality green infrastructure at the heart of placemaking, with emphasis on how site layout would contribute to better health and wellbeing within the new community.

There is definitely lots of improvement to the layout compared with the pre-app sketch from last year. However, with the above policies and guidance in mind and to raise the standards on new development, there are still areas where we request further alterations, clarifications and enhancements. It is understood that this is an outline application, however as detailed approval is sought for layout these issues need to be considered at this stage:

- CENTRAL POS ACCESS – There seems to be poor access into the central open space; there is no main entrance and other access points are just at the end of cul-de-sacs. The access across Hardwick Lane is welcome.
  - There needs to be stronger planting proposals along the cul-de-sacs with positive entrances at the end – to sign post and welcome people into the central space. This is particularly important where along the public right of way link shown on the Illustrative Landscape Masterplan.
  - The park frontage along the main spine road could be better designed, with less hedgerow enclosure, less parked cars and seek to relocate the sub-station – this corner is better suited to a public art sculpture as a focal park entrance.
- CENTRAL POS LAYOUT – This does not need to be a 'formal park' and should be multifunctional. The linear arrangement of trees is not suitable, more informal groups would be welcome. Consider views into and out of the park – showing levels and contours would help with this.
- TREES – Need to provide increased canopy cover across the whole site. Consider that many of the existing trees are ash and have a replacement strategy in place. See Tree Officer comments in relation to existing trees. Provide more street trees along the main corridor. Trees at the main corridor junctions are welcome.
- NEW FOOTPATHS – these are welcome but not as mown grass, they should be hard surfaced. In some locations, particularly along western boundary, the path links require more

width, as with a hedgerow along both sides this would soon become too narrow and enclosed. Could a further footpath link be added on the far east boundary, along side plots 197, 196, 195, 194? On the west boundary, plot 53 is very squeezed in, at a strange orientation that doesn't seem to work with boundaries, street scene or take best account of any views.

- LARGE BALANCING POND – Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.

- ALLOTMENTS – Clarify the need, working with the parish council, consider shading of buffer planting to the south and levels. Facilities might be needed – fencing, sheds, access paths, water.

- SITE ENTRANCE AREA FROM A44 – The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required. This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked. This space should focus on aesthetics and biodiversity, rather than people use. Fruit tree planting is welcome but needs to take account of the levels. This will become the new gateway into Bromyard and should be designed as a holistic area, particularly consider enhancing the east and west hedgerows, with groups of new trees along the A44. Section drawings through this area would also be welcome, to demonstrate the design and visual impact in this important entrance zone that affects the setting of Bromyard.

- BLOCK PAVING – Is welcome from a landscape / street scene / place making point of view to define key points along the main road. However need 'buy in' from HC Highways team.

An individual drawing of the Central POS at 1:500 would be welcome. This should take account of the engineering drawings and the Tree Constraints Plan (particularly as retained T30 seems to be shown in a different location on the Illustrative Landscape Masterplan).

Overall it is disappointing that the application includes a fully detailed hard landscape scheme, including surfacing and fencing, but very little commitment to the soft landscape. While fully specified planting plans could follow at reserved matters stage, we would prefer to see plant palettes (ornamental, hedging, habitats) and key tree species (streets, gardens, parkland) set out as overall planting strategies provided at this stage.

The text in Section 11.2 of the DAS – Landscape Strategy and Play is welcome. The updated LVIA is also supported.

5.5 HC Built and Natural Environment Team (Building Conservation Team)

5.5.1 21/6/23 –

The application is an 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 link road; and associated infrastructure. Detailed approval is sought for principal means of access, with all other matters reserved, at Hardwicke Bank Bromyard.

Policy and Documents
The Planning (Listed Buildings and Conservation Areas) Act 1990
Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.
Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.
National Planning Policy Framework

Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies LD1, LD4

Thank you for consulting me on the amended details. I would concur with the advice provided at pre-planning application stage (reference 160192), in that given the distance from the listed building UID 1176339 Birchyfield and the intervening road network, it is not considered that the proposal would have an impact on the setting of this listed building. The Conservation Area within Bromyard contains a high number of listed buildings reflecting the age and status of the Market Town.

However given the undulating nature of the landscape a development of this size in this location has the potential to be visible from many key locations approaching the historic market town. As such the scale of dwellings, not just height but also length and distance between dwellings are important to avoid detached properties visible on the hillside where a larger or continuous roof would be more appropriate and roof materials would be key considerations.

It is not considered that the setting of any individual listed buildings or the conservation area would be harmed by the development in principle. However whilst no objections are raised in built heritage terms to the principle of development, this is in respect to the layout only and not in respect of design, height or materials which will be dealt with at reserved matters stage in line with NPPF Policies, Herefordshire Local Plan Core Strategy 2011 – 2031 – Policies and the Bromyard and Winslow Neighbourhood Development Plan.

5.6 HC Built and Natural Environment Team (Archaeology)

5.6.1 3/10/23 – no further comments.

5.6.2 12/5/23 – no further comments.

5.6.3 7/6/17 – The site considered for residential and other development under this application has been under full consideration for some time via The Council's SHLAA process and pre-application enquiries. Despite its considerable size, the site would appear to have only very limited issues as regards the [archaeological] aspects of historic environment policy.

As is indicated in the submitted Archaeology and Heritage Assessment (EDP), there are no real records relating to the site itself that are of concern, and the potential for new unanticipated discoveries is low. Also, although there might be some changes to the settings of heritage assets in the wider landscape, these changes would in my view be of a minor nature, and not harmful.

Given that many of the potential development sites in and around Bromyard (in particular, but not limited to, sites close to the historic core and on the eastern fringe) present issues of substance as regards their archaeological sensitivity and risk, this current site should be regarded as a good choice, and one that would appropriately enable necessary housing development in this part of Herefordshire.

I am satisfied that the application documentation follows national and local policy and best practice, and there is no need for any further information to be provided or amendments to be made.

In conclusion, I am of the view that the application does accord with Policy LD4 of the adopted Core Strategy, and Section 12 of the NPPF.

In the circumstances, have no objections, and no further requirements to advise.

5.7 HC Strategic Housing Team

5.7.1 14/11/23 - Thank you for re-consulting me on the above application. I refer to the applicants comments in their covering letter dated 9th November 2023 "as set out in our previous response there planning policy and evidence within the LHMA 21 supports the provision of one bedroom

homes in this location and no basis for objecting to flatted development as part of an appropriate mix of housing types", my comments are as follows:

I refer you to my comments provided during the pre-app advice process and meeting in 2022, comments in response to this application on the 18th May 2023 and 28th September 2023. Strategic Housing has outlined its reasons for not wanting flatted accommodation, but to further add following consultation with housing association partners there is little desire for this type of unit due to the anti-social behaviour that communal blocks of flats can attract. There are also issues in relation to noise transition and hazards due to items being left in the communal area.

There is evidence within in the LHMA that advises that in value terms in relation to properties within the HMA over a 5 year period, there had been an increase in house values and a 38% decrease in flat/maisonettes values. This evidence within itself highlights the lack of desire for flats.

If the applicants wishes to provide 1 beds then Strategic Housing would look for this to be provided as maisonettes to look like houses with own access and/or houses all with amenity space.

5.7.2 28/9/23 - I am not fully in support of this application. There is little desire for blocks of flatted accommodation as these can be hard to let and manage. This was discussed in the pre-app advice process. In addition to this there is also a need accessible bungalows for both 2 and 3 beds.

5.7.3 18/5/23 - I refer to the amended and additional plans and would comments as follows:

In principal the proposed split of 50:50 affordable housing and open market would be acceptable. With 40% being provided by way of S106 contribution and the additional 10% as grant funded units through Homes England. I am also happy with the proposed open market mix of 2, 3 and 4 bed units to included bungalows and houses.

With regards to the positioning of the affordable units, these need to be tenure neutral as outlined in the planning statement and appear to be integrated within the development. The proposed clusters are acceptable.

I would look for local connection to Herefordshire.

However, with regards to the affordable housing mix, unit types and tenure. The split between affordable rent, first homes and shared ownership is acceptable, but, I am not in support of the proposed housing unit sizes or property types. During recent pre-app discussions it was discussed that there was little requirement for 1 bed units and that Strategic Housing would not support flats unless it was to meet a specific need. It was further discussed that if 1 bed units were to be provided that they would be provided by way of maisonettes with amenity space or bungalows. This does not appear to be the case.

As such I do not support the proposal to provide 1 and 2 bed flats. There is also a requirement for accessible bungalows to meet a proven need.

5.8 HC Public Rights of Way Team

5.8.1 10/5/23 - Public footpaths WN2 and WN1 pass through this site and will be affected by the proposed development and this is acknowledged in the proposals. We would seek to ensure that the integrity of the path network is maintained, separated from developed land within open corridors.

5.9 HC Waste and Recycling Team – comment; -

5.9.1 9/11/23 - A swept path analysis has been provided to show in principle that a 26 tonne refuse collection vehicle (RCV) can access all internal access roads and turning heads where it is proposed the RCV would access.

The standard refuse collection vehicle (RCV) used in Herefordshire is 26 tonnes. All roads and turning heads where it is proposed the RCV will travel must be constructed to adoptable standards.

Bin storage locations have been provided for each plot on site plans. If bins are to be stored to the front of the property (including when bins are to be placed in the front on collection day) there should be at least 1 metre space around the bin to allow the resident and collection operatives to manoeuvre the bin, and it should not cause an obstruction to the entrance to the property.

Bins should not be placed on the pavement on collection day as this causes an obstruction to pedestrians.

Storage space will need to be provided at each property for the following containers:

1x180 litre wheeled bin for general rubbish
1x240 litre wheeled bin for recycling paper & card
1x240 litre wheeled bin for recycling tins, cans, glass and plastics
1x23 litre food waste caddy (collected weekly)
1x240 litre bin at each property with a garden.

This is an optional fortnightly (seasonal) garden waste bin, however space should be provided to allow residents with gardens the ability accommodate a garden waste container or home compost bin should they choose to use it.

5.10 HC Minerals and Waste

5.10.1 3/10/23 - Thank you for consulting me on the above application. I can confirm that the site does not raise any issues with regards to the safeguarding of minerals. However, the proposal involves the construction of a significant major development and therefore will generate significant volumes of construction materials and as such the emerging policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed.

Resource Management

In 2018 the Department for Environment Food and Rural Affairs identified that the construction industry accounted for 62% of the UKs total waste, making it the largest single source of waste arising in England. Central to government objectives for waste management is to avoid wasn't going for landfill, with as much recycled where possible. Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

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

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

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

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

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

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

5.11 HC Environmental Health Team (Noise)

5.11.1 2/11/23 - The proposed residential development is set back from the A44 and does not contain any commercial/industrial uses. Therefore this Department has no objections to this proposal. However, some road noise will likely be experienced by future occupiers nearest the A44 and therefore the following conditions are suggested to accompany any permission granted:

1. Prior to development starting on site, details of a scheme for protecting external amenity spaces from external traffic noise shall be submitted to and approved in writing by the LPA. The scheme shall ensure that, upon completion of the development, good acoustic design will be used to ensure external noise levels within external amenity spaces shall not exceed 50 dB LAeq,16hr (0700 – 2300).

Informative Note

A good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved.

Design and construction of the development shall ensure that the following noise criteria are met with windows open:

1) bedrooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A), and an 8-hour LAeq (23:00 to 07:00) of 30dB(A), with individual noise events not exceeding 45dB LAFmax more than 10 times (23:00 to 07:00 hours)
2) living rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 35dB(A)
3) dining rooms shall achieve a 16-hour LAeq (07:00 to 23:00) of 40dB(A)

Informative Notes

A good acoustic design process should be followed in accordance with the 'Professional Practice Guidance on Planning and Noise: New Residential Development' (May 2017 or later versions) to ensure that the noise criteria are achieved with windows open.

Any design measures that are used to control the ingress of noise must be consistent and compatible with the requirements of Approved Documents O and F.

Reason: In order to protect the amenity of the occupiers of the proposed dwellings so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

5.12 HC Environmental Health Team (Contaminated Land)

5.12.1 9/5/17 - I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Whilst the report hasn't identified significant risks to human health, there remains some minor uncertainty which the report recommends should be addressed by further investigation. With this in mind I'd recommend the following condition be appended to any approval.

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

   a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice

   b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.

   c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

   Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted 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.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local

planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment.

Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework.

2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

5.13 Local Highway Authority (Area Engineer) – comment

5.13.1 20/12/23 – The application is an outline application with all matters considered apart from landscape, scale, and appearance which is reserved. The application briefly comprises of a vehicular access off the A44, 250 dwellings, pedestrian access via Flaggoners Close and pedestrian and cycle access onto Cherry Tree Close.

Access by Non-Car Modes
Access for pedestrians is achieved via Cherry Tree Close and Flaggoners Close and access for cyclists is via Cherry Tree Close only. These access points are addressed in more detail below.

Cherry Tree Close Footway/Cycleway
A 3m wide shared footway/cycleway is to be provided from Cherry Tree Close adjacent to the school, via the school expansion land to the north-eastern boundary of the site. 2m x 2m pedestrian vision splays are provided where the footway/cycleway joins Cherry Tree Close to ensure good visibility of pedestrians walking on the footway along Cherry Tree Close. This link will be provided prior to first occupation of any dwelling and be provided within Phase 1 of the development. The link will comprise of a tarmac surface and lighting and will be provided in full by the applicant. This link is considered to be acceptable by the local highway authority (LHA).

Flaggoners Close Pedestrian Access
A 2m footway is provided from the southern end of the site onto Upper Hardwick Lane where pedestrians will then join the carriageway until the footpath which heads north to Flaggoners Close. The footpath in turn provides access onto Winslow Road where pedestrians can then head south towards the Queen Elizabeth High School, shop and southern part of the town centre or north towards the proposed bus stops and northern part of the town centre. This is a pedestrian only access.

The LHA are of the view that residents are unlikely to use the prescribed route if heading to the High School or shop on the corner of Panniers Lane as it would necessitate walking in the wrong direction, i.e. heading north to go south and therefore would be a longer route. The LHA feel that in particular young people heading to the High School are unlikely to use this route and would be more likely to continue south along Upper Hardwick Lane and the join the A44 to walk eastwards to the junction with Winslow Road. The LHA requested a scheme whereby Upper Hardwick Lane between the site access and the A44 would be resurfaced and lit and the footway along the A44 between Upper Hardwick Lane and Winslow Road was widened to 2m and set back to the rear of the verge, thereby creating a circa 0.5m grass verge between the footway and the A44 carriageway. This would enable the route to be made as safe as possible for pedestrians who, in the LHA's view, would use the route regardless of whether it was the 'official' prescribed route or not. This route upgrade was agreed to be provided, however, upon consultation with Bromyard

Town Council it was removed entirely from the scheme because the applicant was advised by the Town Council that the application would not be supported until it was removed and was likely to be refused at Planning Committee.

The LHA very strongly disagree with the removal of the proposed improvement scheme from the application and believe it is prejudicial to pedestrian safety, especially to school age children. The applicant has agreed to provide a sum of money of equal value to the cost of the scheme in lieu of providing the scheme themselves via S278. This would be over and above S106 transport contributions as per the SPD. The provision of the money in lieu of would allow Herefordshire Council to provide the improvements once the development has been constructed. This is the only reason that the removal of the scheme has not resulted in an objection to the application by the LHA. However, it is unlikely the improvement scheme could be provided prior to occupation of the dwellings if it were incumbent on Herefordshire Council to construct the scheme. Had the scheme been provided as part of the application it would have been a condition of planning consent that it should be constructed in full prior to first occupation of any dwelling.

Cycle Connections
The only access into the development for cyclists, other than on carriageway, is via Cherry Tree Close. A 3m wide cycleway is provided along the spine road of the development, however, it terminates approximately 80m north of the main vehicular access off the A44. The LHA have requested a 3m strip of land between the site access and the cycleway which runs along the spine road to be provided and adopted by the LHA, however, despite being initially provided, it has subsequently been withdrawn by the applicants.

This strip of land was requested to future proof the route so that should it be required a cycleway could be provided in the future. It is noted that there are limited cycle facilities within Bromyard and limited opportunities to accommodate such facilities, this is an opportunity to ensure that links could be provided in the future if required therefore it is disappointing that the applicant has not willing to date to allow the LHA to adopt a 3m strip alongside the access road. Without the ability to adopt the 3m strip it is likely that the LHA could find itself in a similar situation that the applicant has found themselves in by not being able to provide other connections into their site due to strips of land between their site and the adopted highway being in third party ownership.

The provision of a 3m strip could potentially be used to either provide a link to any future site to the south, thus creating a cycle link between the High School and St Peter's Primary School, or as part of any wider cycle provision along the A44. At present a site beyond this site is being proposed as a potential residential development site which, if it goes ahead, would also benefit from the enhanced cycle links. Another scenario is if the other half of this site (making the full 500 dwelling allocation) is developed a cycle link between Tenbury Road and the A44 would be desirable to allow cyclists to bypass the town centre, particularly if they are travelling longer distances. This would not be available without the 3-metre strip of land. It is for these reasons that the LHA request that a condition is attached to planning consent, should it be granted, that the 3m strip of land be provided.

In view of the sterilising of any future cycle connections at this location the LHA would not wish to adopt the site, therefore the site will have to remain private. This is due to a S38 requirement that the adoption of developments should be in the wider public interest and it is the LHA's view that the removal of this potential link would mean that the wider public would not benefit from the LHA adopting the site.

Public Transport
In order to encourage travel to and from the site by public transport the applicant has agreed to provide two new bus stops including shelters on Winslow Road in the vicinity of Hardwick Close and Cherry Tree Close (exact location to be established during the S278 process). This is welcomed by the LHA.

Vehicular Access
During the course of the application two potential junction arrangements have been explored. Firstly a roundabout on the A44 was investigated, however, due to land constraints this had to be discounted. The second arrangement was a signalised junction and it is this access junction that the applicant has taken forward. The benefits of a signalised junction include the ability to slow traffic, particularly those vehicles approaching Bromyard from west. The 30mph speed limit would be moved to a location to the west of the proposed access and include gateway features as requested in the Stage 1 Road Safety Audit in order to slow vehicles and make it known to vehicles that they are entering an urban environment.

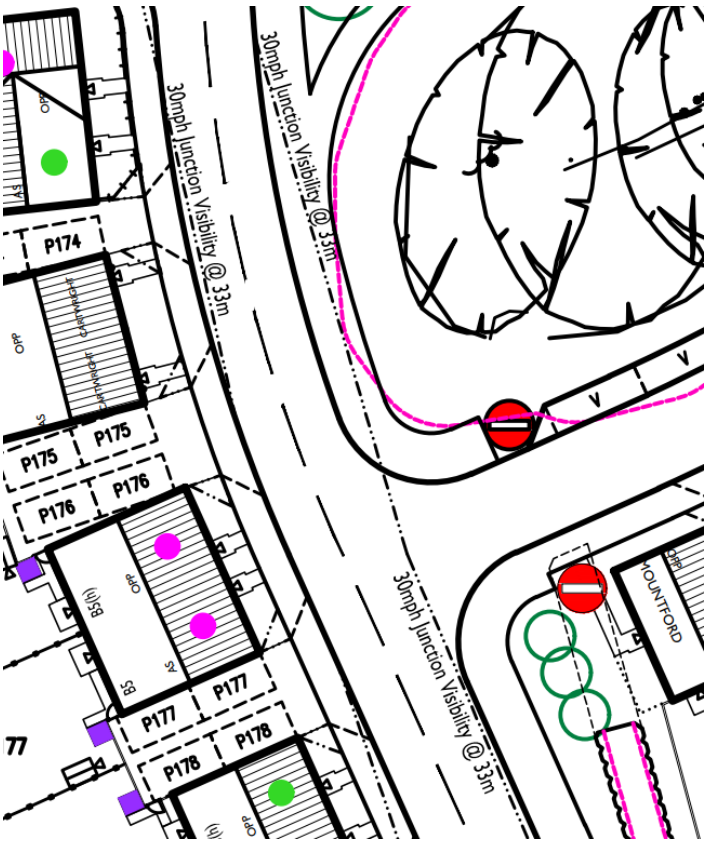
The proposed access junction would comprise of a three arm signalised junction with no pedestrian or cycle facilities. In addition, it has been established that should it be necessary to allow for development to the south to go ahead it would be possible to accommodate a fourth arm at the site access.

Junction capacity assessments have been undertaken for the site access. These demonstrate that the access arrangement would operate well within theoretical and practical capacity, even if a fourth arm was included. In addition, capacity assessments have been undertaken for both the A44/Winslow Road junction and the A44/Panniers Lane junction with the assessments demonstrating that both junctions have plenty of spare capacity even with the proposed development.

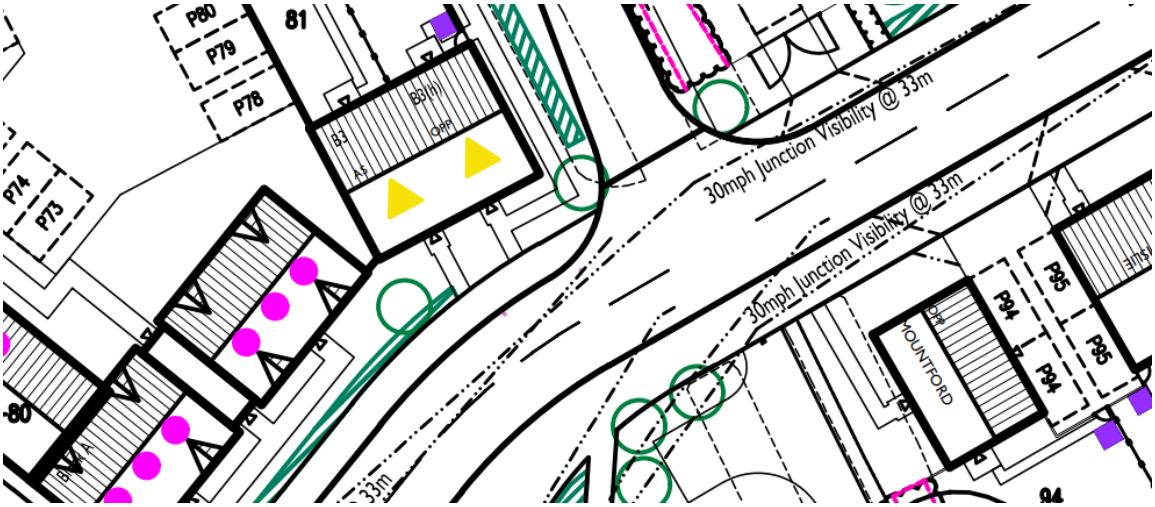
Internal Layout
The internal layout is a matter for consider in this application as it is not a reserved matter. The site is based around a central spine road which is 6m in width with a 3m shared footway/cycleway along the southern/eastern side and a 2m footway on the opposite side. Further residential streets are accessed off the spine road.

A number of issues with the layout still remain despite being raised on a number of occasions with the applicant. These are addressed in more detail below but if planning approval is granted the issues will need to be rectified via conditions.

Visibility Splays
The LHA require visibility splays of 2.4m x 33m to be provided at all junctions along the spine road through the site, this is commensurate with speeds of 25mph. The applicant has agreed that these are appropriate, however, the visibility splays demonstrated on the plans provided are incorrectly drawn. For example, below is a screenshot of one of the visibility splays. As can be seen the x distance does not appear to be 2.4m (for context the footway/cycleway at the junction is 3m wide and the visibility splay x distance should be setback 2.4m from the give-way line). The x distance appears to sit on the give-way line rather than being setback 2.4m.

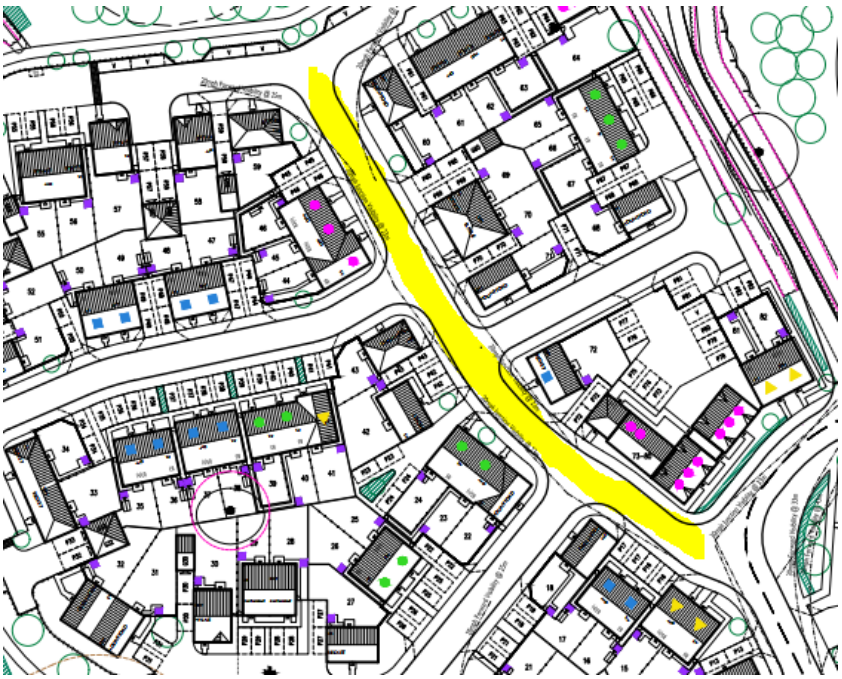


Another example is given below, not only is the x distance not 2.4m it isn't even taken from the centre of the junction.



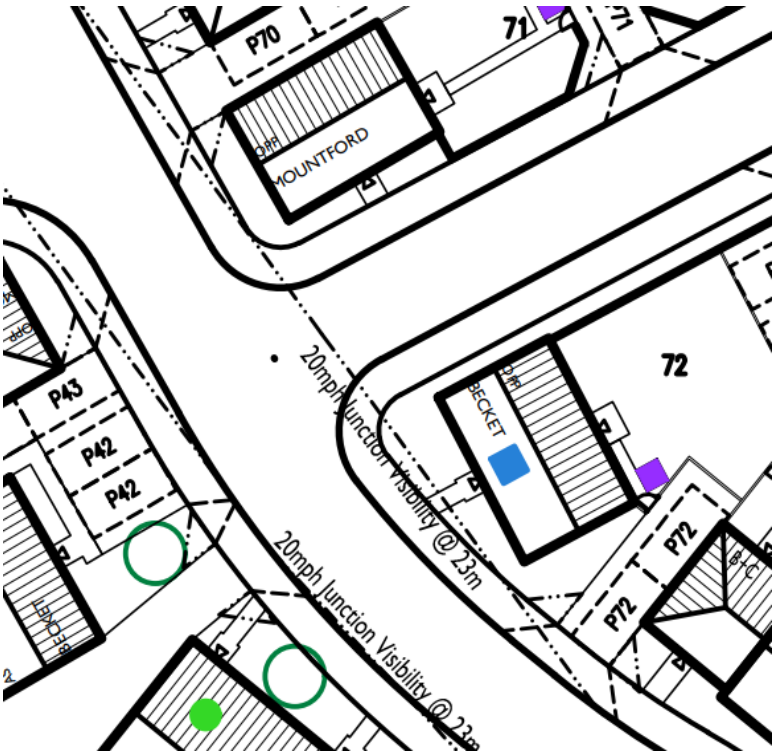
These are concerns that have been raised on a number of occasions with the applicant, however, the applicant has been unwilling to amend them. The only avenue available to get the splays rectified is to add their correct provision as a condition of planning consent, especially given that the LHA is unable to adopt the roads within the site.

Another issue concerning visibility splays is the length of the splays on the side roads. The applicant has provided splays of 2.4m x 23m. However, splays of this length are for streets which serve lower numbers of dwellings, are constrained in width and do not have a straight alignment. The below screenshot shows one of the roads where 23m visibility splays are provided, the road is wide at 5.5m and of a reasonably straight alignment, therefore the ability to constrain speeds is limited due to its geometric features.



Our Highway Design Guide for New Developments states that for roads which serve between 25 and 100 dwellings (the above example serves 66 dwellings) should be 5.5m in width, as the above example is, and have visibility splays of 33m. Therefore visibility splays of 2.4m x 33m have been requested on a number of occasions, however, the applicant has been unwilling to provide them.

Another issue in regards to the provision of visibility splays is that the back of the footway should follow the visibility splay line to ensure that it does not encroach on third party land such as someone's front garden whereby planting may block the visibility splay. This again has been raised as an issue several times but still has not been rectified, as demonstrated in the screenshot below which shows even a 23m splay crossing a front garden, if this was lengthened to the required 33m splay then it is likely that the splay would cross the parking space for plot 72 and be blocked by a parked car on private land. The below example may even require the house to be positioned further back in order to avoid blocking the visibility splay. This could potentially require an application for a non-material amendment should planning be granted.



One-Way System

The road adjacent to the school expansion land is shown as one-way on the planning drawings formally submitted, however, when queried the applicant confirmed that the road is to be two-way. This should be updated on the planning drawings. The LHA would not be supportive of a one-way system given how wide the road is. If the intention is for the road to be two-way visibility splays of 2.4m x 33m should be demonstrated at the southern junction with the spine road. No plan has been formally submitted demonstrating the required splays.

Central Square
The LHA are accepting of a tighter bend at this location, however, it needs to comprise a single radius rather than a composite radii as shown on the plan due to the difficulty associated with building and maintaining composite radii.

Car Parking
As confirmed within the Transport Assessment provided in support of the application car parking is provided in line with our car parking standards contained within our Highway Design Guide for New Developments, i.e two spaces for a two or three bedroom dwelling and three spaces for dwellings with four or more bedrooms.

Upper Hardwick Lane
The existing alignment of Upper Hardwick Lane would be interrupted by the proposed spine road through the development. The application proposes to locate bollards at the southern part of Upper Hardwick Lane where is joins the proposed spine road. This would limit the use of Upper Hardwick Lane which would be of benefit to pedestrians. This would be subject to the successful implementation of a TRO.

Access to properties at the northern end of Upper Hardwick Lane is proposed from the central spine road through the development. The junction of this section of Upper Hardwick Lane and the spine road can accommodate the turning of larger vehicles such as HGVs.

Service Strip
The absence of the 3m strip of land alongside the access road also results in no service strip being provided to accommodate services. Ordinarily a 2m service strip would be required to prevent services having to be placed under the carriageway. The absence of a service strip also prevents the site from being adopted.

Recommendation
In summary, there are a number of items which need to be amended and ordinarily the LHA would like these items to be rectified before having to provide a recommendation and the application going before Planning Committee. The LHA has tried on a number of occasions to get the applicant to make the required amendments but the applicant has been unwilling to co-operate and make the necessary amendments. Therefore we now find ourselves in this far from ideal situation.

The LHA does not agree with the removal of the footway improvement scheme along the A44 and Upper Hardwick Lane but is not in a position to object if the applicant is willing to provide the cost of the scheme build as an additional payment on top of the normal S106 requirements.

The LHA finds it very disappointing that the applicant is not willing to offer a 3m strip of land alongside the access road to future proof the development and enable a cycle connection should it be required in the future.

Having said the above, if a number of conditions which would address the items which require amendments could be attached to any planning consent granted then the LHA would offer no objection to the application. It should be stressed however that the LHA considers this application to only be just about acceptable.

If it is not possible to attach the requested conditions then the LHA would not be able to support the application due to the number of outstanding amendments required to make the application acceptable.

Conditions & Informatives
The LHA requests that should planning consent be granted then conditions addressing but not limited to the following should be attached to the permission:

1. A plan demonstrating visibility splays of 2.4m x 33m with the splay being delineated by the back of the footway at all junctions should be provided prior to commencement on site for the approval by the LHA/LPA. Nothing over 0.6m in height should be placed within the splays. This condition overrides the visibility splays demonstrated on drawing 0687-102.
2. A 3m strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road will be offered to the LHA for adoption.
3. CAE Vehicular Access Construction
4. CAJ – Parking
5. CAQ – On-Site Roads
6. CAT – Construction Management Plan
7. CB2 – Cycle Storage
8. CB3 – Travel Plan
9. CAP – Off Site Works
    - Footway/cycleway from Cherry Tree Close to site
    - 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

Informatives: I11, I06, I09, I45, I08, I07, I05, I43, I49, I54, I51, I41, I36, I35

S106
In addition to the cost of providing the footway improvement scheme along Upper Hardwick Lane and along the A44 between Upper Hardwick Lane and Winslow Road, the LHA would require the following S106 monies to be paid:

- Two bedroom dwelling - £2,457 per dwelling
- Three bedroom dwelling - £3,686 per dwelling
- Four bedroom dwelling - £4,915 per dwelling

5.13.2 6/10/23 - The local highway authority (LHA) has the following comments to make on the updated scheme, albeit it should be noted that these comments are made prior to sight of the Stage 1 RSA which is understood to be in progress: Note – Please see tabulated comments at **Appendix 1.**

5.13.3 23/7/23 - The local highway authority (LHA) has the following comments:

1) It is assumed the layby on the access road just north of the proposed site access is for servicing the gas governor, however, the LHA would not wish to adopt the layby therefore it should be placed behind the footway.

2) The LHA will not adopt visitor spaces therefore the footway should run in front of the spaces not behind, for example, adjacent to plots 96/97.

3) The 3m cycleway should continue through the school expansion land to Cherry Tree Close. This should be shown on a plan, including the S38 plan as the LHA would wish to adopt it.

4) The (presumably) school drop-off laybys by the expansion area should be one long bay rather than broken up and the northern corner should be tightened up/remove excess space with a conventional radius. However, ideally the school drop-off area should be within the expansion land so that the school can control it and residents won't park in it.

5) Access for pedestrians/cyclists to the school via the school expansion land should be provided during Phase 1 of the development to ensure good travel habits are formed from the start and walking and cycling is encourage/enabled.

6) Link through hedge/trees should be a cycleway and we would want to adopt it.

7) Footway along the A44 between the proposed site access road off the A44 and Upper Hardwick Lane should be removed and the link from the access road onto Upper Hardwick Lane should be included in the S38 plan as the LHA would wish to adopt it. The link towards Stonehouse Farm should also be adopted. Upper Hardwick Lane should be provided with lighting as it will be the main pedestrian access route to this part of the site.

8) The cycleway from the access onto Upper Hardwick Lane to the proposed site access junction with the A44 should be removed but the land reserved so that if the site to the south comes forward then it can be added and a link between the two sites provided.

9) The proposed footway between Upper Hardwick Lane and Winslow Road should be included within the red line and S278 plans.

10) The 30mph speed limit should be relocated to the west of the proposed junction for the Stonehouse Farm access on the A44.

11) The LHA would prefer to adopt the outer cycle route which skirts the development to the west from the pond to southern extent of dwellings as it is considered that this would be in the best interests of the public.

12) A link through from the site onto Damson Tree Close should be provided if the hedge ownership allows.

13) Grass verges will not be adopted therefore visibility splays should be demarked by footway rather than verge.

14) Forward visibility should be 33m and should be shown on plans.

15) Minimum centreline radii should be 25m. This should be demonstrated on a plan.

16) Visibility splays should be 2.4m x 33m and be demonstrated on a plan.

17) 2m x 2m pedestrian vision splays should be provided at all driveways to ensure visibility of pedestrians when vehicles are reversing on/off driveways/parking spaces. These should be provided as per the extract from our Highway Design Guide below. As per visibility splays, nothing over 0.6m in height should be placed within the splay.

18) The footway provision along some roads throughout the site appears to be broken up in places, for example, as shown below. A continuous footway should be provided along adoptable roads.

19) How Upper Hardwick Lane to the north of the spine road is accessed is not clear. Swept paths of a large tractor and a fire tender turning into and out of the lane should be provided, as should visibility splays at the junction with the spine road. Visibility splays for the section of Upper Hardwick Lane to the south of the spine road should also be provided.

20) Raised tables should not be required as roads should be designed to keep speeds down.

21) Block paving will not be adopted. Only standard materials such as black top should be used.

22) All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied IF Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.

23) Car parking should be provided as follows:
- One bedroom dwelling – One space
- Two/Three bedroom dwellings – Two spaces
- Four bedroom plus dwellings – Three spaces

Ideally three tandem spaces in a row should not be provided as this is likely to result in at least one vehicle parking on-street for ease of movement.

24) Parking courts should be avoided where possible, for example, plots 74 – 81.

25) Cycle storage should be provided for all dwellings, for example plots 74 – 81. Facilities to charge e-bikes should also be provided, particularly in communal stores.

26) The proposed bus stops on Winslow Road should be positioned closer to an access into the site, i.e. Cherry Tree Close if possible.

27) A Stage 1 Road Safety Audit (RSA) should be provided once the above amendments have been incorporated. The RSA should include the proposed footway improvements along the A44 between Upper Hardwick Lane and Winslow Road. The LHA would wish to have sight of the Audit Brief prior to the commissioning of the RSA.

5.14 HC Education – comment; -

5.14.1 20/12/2023 - I've checked the latest position and the information in that response is still valid as both St Peter's Primary School and Queen Elizabeth High School have full year groups and justify a contribution towards education facilities. We would be looking for a full suite of contributions for Early Years, Primary, Secondary, Post 16, Youth and SEN provision.

The contributions per dwelling are therefore:

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

4+ bed house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	£13,816

5.15 BBLP Land Drainage – comment; -

5.15.1 20/12/23 - The drawings issued do not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. However, we accept that it should be possible to install geocellular crates to meet the design criteria described below.

Development sites usually increase the amount of impermeable area. This leads to an increased runoff rate.

At this site the proposed outfall is into a ditch upstream of the River Frome. The impact of an increased flow rate in the ditch could cause localised surface water flooding at the ditch, but this would be on a remote area of farmland.

The increased runoff rate leads to an increased volume of water being conveyed into the river in less time. This causes extra flow in the river. The implications are that downstream areas are more likely to flood. This cannot be allowed to happen. Accordingly, the SuDS should be designed to retain the extra runoff volume on the site during the respective rainstorms. This is why the National Standards for Peak Flow and Volume Control were introduced.

As explained above, although the Peak Flow Control is quoted in DEFRA literature, there would be no immediate implications to the residents of Bromyard if the peak flow in some rainstorms exceeded greenfield rates.

However, there would be increased flood risk if the Volume Criteria were not met.

We recognise that due to the inclined nature of the site it is difficult to design a Basin that can store a large amount of water. To meet both the Peak Flow Control and Volume Control criteria it would be necessary to store all water relating to a 100 year +CC storm and discharge it at a 2 year storm flow rate. Clearly this creates a large storage volume that would need to be accommodated in the pond.

The applicant has suggested using two or more flow controls, this concept is accepted subject to further discussion.

The applicant has included a Sediment Treatment Proposals document in their submission. The basin is an integral component of the SuDS and it's use would improve water cleanliness. If the crates were used then details in this document would hold no meaning. However we understand that there are no SACs in the immediate vicinity of the site, however the issue of sediment transport needs to be considered.

We assume the intent is to present the entire surface water drainage system to Welsh Water for adoption.

Because there are no SuDS Approval Bodies (SABs) in England, Welsh Water have needed to alter their adoption strategy to accommodate below ground storage at drainage basins built in England. This is normally achieved by providing adoptable below ground storage (geocellular crates) located below a Dry Basin, sized to meet the 30 year storm criteria referenced in Sewers for Adoption. The dry basin is provided to the facilitate the outstanding attenuation requirements up to the 100 year + Climate Change storm criteria.

The Herefordshire SuDS Handbook explains that at Strategic Sites, an exemplar approach to the design of SuDS is required. Accordingly, site layouts should seek to incorporate green SuDS which mimic natural processes to clean water.
The original surface water attenuation proposals relied on the provision of a Drainage Basin that would store ALL stormwater to 100 years + Climate Change. Deviating from this design to rely on the provision of below ground storage would lead to the following :-

- During daily rainfall events, no water would collect in the Drainage Basin. The basin itself would remain dry and would only receive water once every few decades. This may have biodiversity implications and the vegetation show on the landscape drawings would not grow

- The basin would not function as a Pollution Control feature (refer to the Herefordshire SuDS Handbook item 7.8).

The water companies that operate within England hold different approaches to adopting basins. We consider that it would be beneficial to engage with Welsh Water to explore opportunities to explore the concept of aligning their own adoption policies with recent changes made to adoption criteria by other companies.

Severn Trent have researched the legalities of defining a line on the base of the basin as a sewer. This allows them to adopt a strip along the base of the basin. Severn Trent hold access rights to desilt the base of the pond. Maintenance of the pond normally falls to the landowner or a private management company.

Recently the government has expressed their intent to implement Schedule 3 of the Flood and Water Management Act during 2024. This measure would create SABs in England. This may present a means for Local Authorities to receive funding to maintain basins.

As LLFA we recognise the impracticalities of seeking to deliver green SuDS on a sloping site. Owing to the isolated location of the outfall we can offer the applicant revised discharge criteria that could be used to develop an alternative design.

The revised design could feature below ground storage (possibly geocellular crates) uphill of the attenuation basin. These crates would need to be designed to fill up throughout a short duration rainstorm. Accordingly, a flow control would need to be selected to operate throughout the short duration rainstorm. A weir would allow incoming water arising from larger storms to cascade on into the basin. This would allow more water to be stored within the site.

We recognise that there is sufficient space within the open spaces to accommodate below ground storage.

The basin would then need to be designed allowing for a 1 in 3 slope, which may create more storage than the 1 in 4 slopes that have been proposed. As explained in our commentary we also consider the tall retaining wall to be a risk to all site users, so efforts would need to be made to reduce the likelihood of personnel injury arising from the inclusion of the wall. The applicant should also consider moving the pond towards the north west.

Subject to further design it may be possible to lower the discharge rate to the 30 year rate, which would mobilise more storage in the pond. The volumetric criteria for the 30 year and 100 year + CC storms would however ned to be achieved.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

In summary, we recognise the desire to ensure that the surface water drainage is adopted by Welsh Water. We recommend discussions are held with Welsh Water to establish whether changes can be made to their adoption policy. This may allow a design to be developed that utilises crates that are installed on higher land, so that the water all drains through the basin. The alternative would be to install the crates below the basin.

We recognise that the details presented for the outline submission require refinement, but in principle we can accept the proposal that this design can be delivered under a drainage condition. This drainage condition should include a focus on the desire to take all reasonable steps to facilitate a design utilising green SuDS.

5.15.2 28/11/23 - The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign. This may involve increasing the gradient of the pond banks and moving the pond towards the north west.
On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 2.**

5.15.3 13/10/23 - We note that the Covering Letter advises “There is no objection to the proposed development on flood risk and drainage grounds”. However our comments below state that we OBJECT to the proposed development. It would appear that the original comments dated 18.7.23 were not uploaded to the Planning Website.

The revised submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required
The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 3.**

5.15.4 18/7/23 – The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required.

The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 4.**

5.16 Wye Valley NHS Trust – comments withdrawn on 19 December 2023.

5.17 Herefordshire and Worcestershire Clinical Commissioning Group – no response.

5.18 Dwr Cymru Welsh Water

5.18.1 4/10/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE

We have considered the impact of foul flows generated by the proposed development and concluded it is unlikely that sufficient capacity exists to accommodate your development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment. There are no planned reinforcement works within Dwr Cymru Welsh Water's Capital Investment Programme and therefore, at this stage, we are unable to provide you with a point of adequacy on the network.

A Hydraulic Modelling Assessment (HMA) has been commenced and where required and appropriate, the HMA will identify solutions and points of communication to ensure that your site can be accommodated within the system. However, in the absence of known solutions to accommodate your site we will not be able to support the development.

Turning to surface water, there proposed drainage layouts and drainage strategy shows the proposal to discharge the majority of surface water via a drainage ditch to the north and a small percentage to a highway drain south of the site. Dwr Cymru Welsh Water has no objection to this however, we advise that the applicant contacts Environment Agency who regulate discharge to watercourses and highway authority who will regulate discharges to a highway drain.

WATER SUPPLY

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions:
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.

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

5.18.2 30/5/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

SEWERAGE
The proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment

Programme.
With regards to surface water, Dwr Cymru Welsh Water has no objection to the proposed attenuated discharge into the nearby water course and highway drain however, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage and the highway authority with regards to discharging into the highway drain.

WATER SUPPLY
The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

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

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

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

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

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

5.19 Natural England – comment;
4/12/23 - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. This is on the basis of nutrient neutrality being secured.

5.20 Herefordshire Wildlife Trust – no response.

5.21 The Ramblers Association (Herefordshire) – no response.

5.22 Open Spaces Society – no response.

5.23 West Mercia Police (Hereford)

5.23.1 14/7/23 - I am responding to this planning application on behalf of West Mercia Police, in relation to Crime Reduction and Community Safety matters as the assigned Design Out Crime Officer for Herefordshire. This is a proposed development is a significant one for the residents and infrastructure of Bromyard and will undoubtedly have opportunities for designing out crime and anti-social behaviour.

I have examined the planning application, together with the plans submitted. This has been done with reference to the advice contained within National Planning Policy Framework para's 92b, 97, 130f and the Crime and Disorder act 1998. I cannot find any inclusion as to the provision for security measures to be applied to the site as a whole, the build security of the 250 dwellings, or the additional build of the school.

The security requirements for dwellings are set out in Part Q of Schedule 1 of the Building Regulations, however I would recommend that all doors and windows meet the PAS 24:2016 standard and are third party certified, such as those companies that achieve Secured by Design accreditation.

I would ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behavior as per Sustainable Design and Construction Supplementary Planning Document 2020, section 17.

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_May.pd

5.24 Hereford and Worcester Fire Service (Hereford)

5.24.1 24/7/23 - With regard to the attached Planning consultation letter regarding the application detailed:

Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety department - wish to make the following comments:

Fire Service Vehicle access to the new dwellings may need to comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1

In particular there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside the new dwellings.

Access road to dwelling should be in accordance with ADB 2019 Vol. 1 Table 13.1

The above matters may be assessed through the Consultation process with Local Authority or Approved Inspector Building Control bodies to ensure that the requirements of the Building Regulations (2010) are satisfied and matters to be addressed, under the Fire Safety Order (2005), once the building is occupied.

6. Community Representations

6.1 As the nature and extent of the proposed development has changed in a significant and material manner since the application was submitted to the Local Planning Authority in 2016, only the comments received in relation to the revised submisison (up to 250 dwellings) received in 2023 are summariesed below. Nevertheless, all commments received prior have been considered accordingly.

All comments received are accessible in full on the Herefordshire Council website via the following link; -

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932

6.2 Bromyard Town Council – comment; -

6.2.1 13/12/23 - The committee resolved to accept this proposal in principle

3/10/23 – Members discussed the application in detail and resolved to support it in principle with the condition that the A44 footway access be EXCLUDED, as there are three other alternative access routes proposed for pedestrians and cycling via Winslow Road.

The Town Council remains OPPOSED to the inclusion of a footway (pedestrian) route along the A44 which is not achievable to the standard required and is not required for this development.

4/7/23 - At the meeting of the Town Council's Planning and Economic Development Committee last night members considered the re-consultation for application 163932, Land at Hardwick Bank. After a lengthy discussion, the committee decided to object as this particular application continues to rely on a pedestrian access along the northern route (A44) without any legal certainty of deliverability.

I was unable to upload the committee's decision via the Planning Portal as the usual link is not provided.

8/5/23 - It was RESOLVED that the Town Council opposes this application and strongly recommends that planning permission is refused on the basis that safe access including footpaths, verges and cycleways is not proven in this application.

6.3 Press (Hereford Times) / Site Notices - 21 individual letters of representation in objection to the application. The comments can be summarised within the broad topic headings as follows; -

Principle of the development

- There are other applications for housing under consideration
- Loss of undeveloped land / green fields
- Brownfield sites should be used

Access and highways safety

- Vehicular access onto the A44 is dangerous given proximity to other junctions
- Vehicular access onto the A44 is dangerous given proximity to brow of hill
- Pedestrian access along A44 would be unsafe given the road's insufficient width
- Pedestrian and cycle access should be re-routed via Broxash Close
- Widening of the existing footway along the A44 would encroach onto private property.
- Development would increase traffic on Winslow Road (used as rat-run to primary school and co-op supermarket)
- Parking around the primary school is inadequate and car park along Winslow Road during drop-off / pick-up times.
- Lack of employment in Bromyard will result in increased traffic movements for out-commuting.
- The existing development off Tenbury Road is dangerous as it has no footway.
- Additional crossings required to prevent children from running onto the road.
- Local bus service is intending to increase fares / services are not sufficiently subsidised.

Housing

- The quantum of social housing has not been shown within the submission.

Flooding and drainage

- No reference to potential surface water run-off or flood mitigation within the submission

Ecology

- Site is very close to a SSSI which hosts species such as newts, bats and other rare wildlife

Infrastructure

- Development could increase the population of Bromyard by between 20 – 25%.
- Existing health infrastructure within Bromyard is at stretched / over-capacity.
- Fragile and in unreliable sewage system
- Local schools are over-capacity.
- Consideration should be given to increasing resources for local police and fire and rescue services.
- Low water pressure observed at Damson Tree Close.

Amenity and community wellbeing

- Existing residents will no longer be able to enjoy peace and tranquillity
- Adverse impact on mental health and community well-being
- Loss of amenity / outdoor space for dog walking and recreation.
- There is little social opportunities for children and young people in Bromyard
- Loss of views
- Noise and pollution from additional traffic
- No details on workforce propriety within the submission.
- No details on ensuring potential crime / anti-social behaviour sports are avoided / addressed, within the submission.
- Overshadowing and overlooking – especially where the development would abut existing single-storey dwellings.

1 letter of representation neither in support or objection received. The comments can be summarised as follows; -

- Safe walking and cycling should be pre-requisite of development
- Should connect to key destinations within Bromyard, as well as the proposed Worcester Bromyard Leominster Greenway project.

1 letter of representation in support received. The comments can be summarised as follows; -

- Development should use old railway line where possible to integrate with the proposed Greenway project.

7. Officer's Appraisal

Principle of development

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration.

7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review

of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

7.4 Herefordshire Council are able to demonstrate a 5 year housing land supply. Accordingly, this renders the housing supply policies as contained within the Core Strategy as being compliant with the principles as set out within the NPPF and therefore are up-to-date. They therefore attract full-weight for decision-taking purposes in terms of applying the presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF.

7.5 In accordance with the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 confirms that Hereford City, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community".

7.6 Policy SS2 makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford City and the market towns.

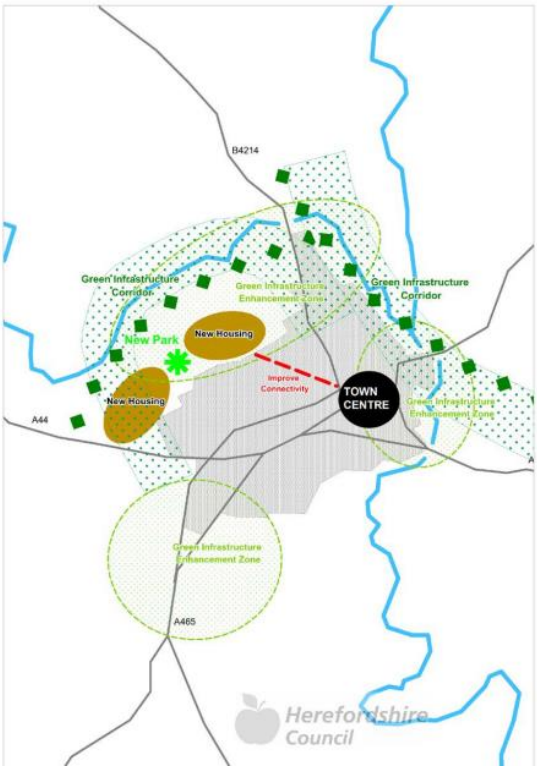
7.7 Policy BY1 of the Core Strategy sets out that Bromyard will accommodate a minimum of 500 new homes with around 5 hectares of employment land during the plan period. It states that the majority of new homes will be located in the northwestern areas of the town, with a minimum of 250 new homes.

Core Strategy Policy BY2 identifies Land at Hardwick Bank to deliver a sustainable urban extension for Bromyard which would deliver a minimum of 250 new homes at a density of up to 25 dwellings per hectare and comprising a mix of open-market and affordable provision. The policy advises that any planning application should include, but not be limited to the following;

- 40% affordable housing;
- formal park with new play and sports facilities and allotments;
- suitable vehicular access, likely taken from the A44;
- residential routes off Winslow Road should provide sustainable links to the town (pedestrian and cycle) as well as public transport links;
- contributions towards new and improved facilities;
- improvements to classroom provision for primary school;
- high standard of design and layout which reflects the townscape, landscape and green infrastructure of area;
- sustainable design and construction;
- incorporate landscape buffers;
- an evaluation of archaeological importance to ensure protection of heritage assets; and
- comprehensive sustainable urban drainage system.

7.8 The proposal has been amended since the application was submitted to the Local Planning Authority. The application site now only covers approximately half of the land identified within the Core Strategy (see extract from Core Strategy below) but would still provide for 250 dwellings.

Figure 4.5: Bromyard Key Diagram



7.9 Although comments received citing the loss of agricultural land and the preference for the use of brownfield sites as reasons for resisting the development are noted, the quantum of housing required to be delivered cannot be met in this manner alone. The site has been identified within the Core Strategy as suitable for housing development but nevertheless does not in itself render other sites under consideration as being unsuitable.

7.10 As such, the principle of housing delivery at this site can therefore be accepted subject to the above provisions. It is necessary however to determine the extent to which the proposal is also capable of complying with other relevant development plan policies and any other material considerations.

Design and layout

7.11 As well as the expectations of development of this site set out through Policy BY2 of the Core Strategy, Policy SD1 seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including resources for recycling and enabling renewable energy and energy conservation infrastructure.

7.12 The application is made in outline, although detailed consideration of both access and layout form part of this application. Matters relating to scale, appearance and landscaping are reserved for future consideration.

7.13 A site wide masterplan has been submitted which details the proposed layout, but also in some cases includes details which may be considered to form part of the other 'reserved matters' which would fall to be considered at a later stage, through any forthcoming application for the approval of the respective matters.

7.14 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines 'layout' as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

7.15 The layout comprises a three-arm junction to the southern boundary of the site which would provide access from the A44. Given the topography where the ground rises steeply north from the A44, this southern area would be reserved for planting / landscaping and drainage infrastructure, absent of any residential development. Thereafter residential development would flank a spine road which would run through the site taking a curved, sinuous design from which residential roads and provide shared drives would be taken. It is considered that the layout would create an extension which is akin in its form and pattern to Winslow Road whereby smaller residential routes are taken from a principal street.

7.16 Along the spine road, dwellings would be spaced to allow generally tandem-parking or set-back garages, removing excess bulk and clutter from the street-scene. Nevertheless, in attempt to form a street hierarchy within the development, densities here would be higher through the provision of some terraces / flats which would help distinguish and provide variety from the less dense residential areas towards the site's edges. The curved design of the spine road would lend some variation and privacy to the street scene, as well as surveillance. It would also be sized as to provide a 3-metre foot-cycleway on the eastern side and a 2-metre footway on the western side throughout. The former would provide a sustainable link to the east of the site to Cherry Tree Close via St Peter's Primary School. In all cases, the residential routes off the spine-road terminate with footway connections to provide pedestrian connectivity around the site.

7.17 As part of the layout, land is allocated for the expansion of St Peter's Primary School and therefore addressing any future identified need for new or improved classroom provision, an expectation that Policy BY2 of the Core Strategy places upon any development of this site. The Section 106 would secure that the parcel of land is transferred to the Local Education Authority (LEA) and in the case where after all reasonable endeavours this is not successful, an in lieu contribution would be made to the LEA towards St Peter's Primary School. Consideration has been given to the placement of a drop-off parking area to serve the school however this is not included within the school expansion land to ensure that development potential and flexibility in the future is not compromised or restricted. The proposed 3-metre foot-cycleway as above set out would be delivered in the first phase (secured by condition) and therefore would encourage new active travel and sustainable patterns of movement which may otherwise be tempered should dedicated school drop-off parking be provided at an initial stage. With this, there is no initial proposal to provide a one-way system through this part of the development. This would in any case require a Traffic Regulation Order (TRO) but may be considered at a point in time.

7.18 The design of the layout would broadly take account of the site's context and constraints in terms of the topography, existing field parcels and delineations as well as the proximity to the surrounding open-countryside. Upper Hardwick Lane, forming part of the local highway network, invariably divides the site in to component parts and this has presented both limitations and opportunities for the scheme. The positioning of buildings to the immediate west of the point in which Upper Hardwick Lane would cross the spine-road has been a priority consideration in the formulation of the layout, principally in order to achieve a degree of permeability across the two component parts of the development and to aid and encourage connectivity and integration. This has been secured through buildings set further back from the spine-road with opportunities for landscaping to create a destination / focal point within the site – linking to the park and open-space to the north.

7.19 At the northwestern extent of the site provision is made for drainage infrastructure with residential development set away from the boundary but roughly following the contours of the site. To the other northern, western and eastern boundaries of the site, residential development would generally not sit immediately adjacent to open-countryside – with the provision of footways or

space for other landscaping providing a buffer. In such edge of development locations, the layout would make efficient use of the site through accommodating allotments, communal gardens and children's play on the way features. In all case, the layout is designed to provide natural surveillance to these features within the development.

7.20 The layout allows for sufficient landscape buffers along the edge of the application site, as well as being formed through existing trees and vegetation along existing internal boundaries within the site. The layout's response to this would go some way in responding to the local context and green infrastructure of the area and visually disaggregate the development.

7.21 In the round, the layout is considered broadly satisfactory whereby it would help facilitate, in conjunction with any forthcoming consideration of acceptable reserved matters, residential development that would comply with the site specific requirements of Policy BY2.

Access, highway safety and connectivity

7.22 As defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.

7.23 Core Strategy policy MT1 of the Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space. The NPPF requires development proposals to give genuine choice as regards movement. Core Strategy Policy SS4 requires developments to minimise the impacts on the transport network.

7.24 As previously rehearsed, Policy BY2 states that housing development would be accessed off the A44, likely in the form of a roundabout. In the evolution of the proposal and taking account land constraints, a new three-arm signal-controlled junction on the A44 is proposed. As set out within the updated Transport Assessment (TA), traffic surveys were undertaken and completed in 2022 as well as modelling of the proposed site access junction (this also included a scenario where the junction hosts a fourth-arm to serve potential residential development of the site to the south of the A44 (190111 refers). Nevertheless, the TA confirms that the junction could operate within capacity and is designed to an acceptable, adoptable standard. The existing 30mph speed limit would be re-located to the west of the site access, roughly in line with Stonehouse Farm. This would change the nature of the road environment on the approach to Bromyard from the west and would be secured by way of a TRO.

7.25 The access and internal layout of the site has evolved following extended discussions between the applicant and the LPA and LHA The access from the A44, together with the width of the spine-road carriageway (6-metres) running through the development would be such which would enable to provide the requisite capacity should the remainder of the area of land identified for housing to the north and east come forward at a later stage – on the basis of it connecting with a junction on the B4214 Tenbury Road. It is crucial to note however that while the spine-road is designed to suitably accommodate the quantum of development which may be realised through the strategic site in its entirety, as well as buses, it is not designed to accommodate HGVs or otherwise serve as a by-pass for the town or diversion of through traffic to and from the A44 and B4214.

7.26 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 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.

7.27 There are similar implications for the residential roads off the spine road whereby the required visibility splays are not accurately or correctly identified on the submitted plans when considering the layout. While this is regrettable and ought to have been addressed following consistent input from the LHA, there would again appear to be no substantive reason as to why the required splays cannot be achieved within the layout. It should be noted that scale is a reserved matter and this concerns, inter alia, the width and length of buildings. As such, it may prove necessary that any forthcoming reserved matters application(s) which deals with scale results in slight adjustments to the footprint of some of the buildings shown on the layout plan, in order to demonstrate the provision of the required visibility splays throughout the site, to ensure highway safety.

7.28 There are other issues identified on the submitted plans which relate to the provision of one-way-systems, absence of service strips and radius of the corner within the central square. These are matters which would be considered further should the road be put forward for adoption but do not raise any particular highway safety implications.

7.29 The development of the site would dissect Upper Hardwick Lane and bollards are proposed to the southern part of the intersection with the spine road, to prohibit vehicle from travelling this way from the northern part of the development. This would provide benefits to pedestrians using Upper Hardwick Lane and would be managed and secured through a TRO.

7.30 The level and space apportioned for plot and visitor parking is considered acceptable having regard to the HC Highway Design Guide for New Developments and vehicle tracking (swept path analysis) has been provided where requested by the LHA to provide assurance that larger vehicles can safely access and traverse the site – this is with specific regard to Upper Hardwick Lane north of the spine road. The Council's Waste and Recycling Team have reviewed the latest layout and are satisfied that Refuse Collection Vehicles (RCV) would safely and appropriately be able to serve the development, with the site being built to an adoptable standard. The submitted refuse strategy for the site sets out that the layout has taken account of the distances in which waste and recycling crews are able to physically move recycling bins in areas in which they cannot traverse with the RCV (non-adopted areas) and have provided suitable collection points.

7.31 Policy BY2 of the Core Strategy expects that development of the site would provide for sustainable links (including pedestrian and cycle) to and from the residential roads which are taken from Winslow Road and generally flank the southern and eastern boundaries of the site. Policy BY1 also places an expectation on new development in facilitating a genuine choice of modes of travel which inter alia, includes cycling and walking.

7.32 There have been numerous iterations of the proposed development which have influenced, amongst other constraints, the current proposed pedestrian and cycle links which would serve the development. The proposed links can be summarised as follows;

- Connection north of site from Upper Hardwick Lane to existing PRoW WN1.
- New 3-metre pedestrian and cycle-way running from central spine-road along the southern boundary of the site and school expansion land to connect with St Peter's Primary School and Cherry Tree Close, providing access thereafter to Winslow Road. It is confirmed within the revised phasing plan that this would be delivered in Phase 1 and therefore encourage and facilitate active travel and sustainable patterns of movement from the outset.
- Connection from spine-road to existing PRoW WN2 to rear of proposed properties and Damson Tree Close, providing access thereafter to Winslow Road.

- New pedestrian access from southern end of spine-road, across Upper Hardwick Lane to provide connection to Flaggoner's Close, providing access thereafter to Winslow Road and the A44 West Hill and Panniers Lane for the Queen Elizabeth High School. There would be highway works to the bend in the road on Upper Hardwick Lane to improve safety.

7.33 There is an acknowledgement that sustainable links would optimally be taken from all residential roads leading from Winslow Road, including Hardwick Close and Damson Tree Close as per Policy BY2 of the Core Strategy. Regrettably, due to land constraints, new connections to and from the development are not possible in all of these locations (apart from the existing narrow PRoW connection to Damson Tree Close as above outlined). This does result in a quite significant impermeable eastern edge to the development.

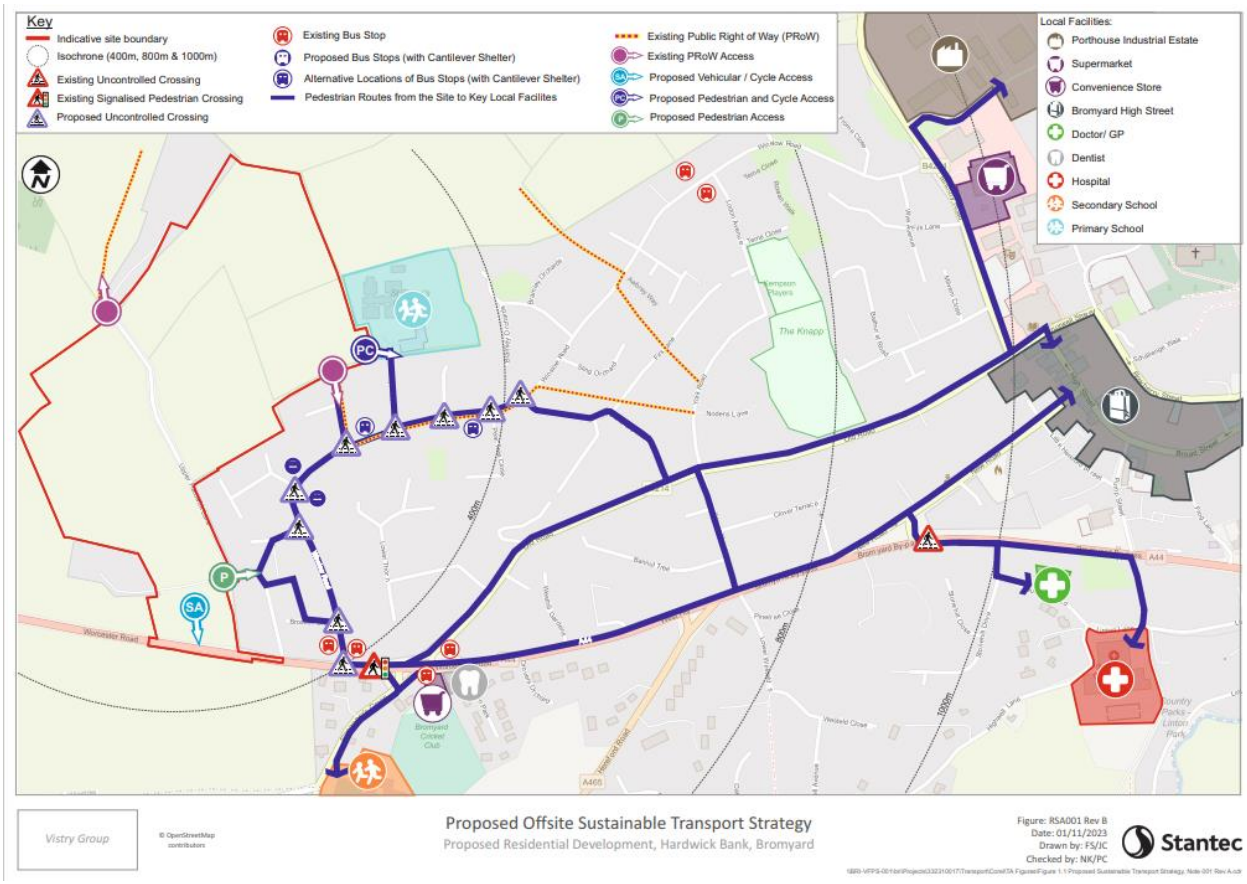


Figure 2 – Proposed off-site sustainable drainage strategy

7.34 The 3-metre shared cycle-footway would be provided prior to the first occupation of any of the dwelling in the first phase of development, secured through condition. As illustrated by **Figure 2**, the broad positioning of the site relative to the principal services and facilities afforded within Bromyard town-centre means that the proposed pedestrian and cycle route which runs centrally through the site along the spine-road and then connects with Cherry Tree Close at St Peter's Primary School would provide a relatively direct route to the town-centre for the majority of the development. Crucially, the link would provide an appropriate safe and secure means of access to the primary school and should therefore not result in the development exacerbating parking issues associated with school drop-off / pick up along Winslow Road. With this in mind, although the extent of the impermeable edge to the eastern boundary of the development (caused by an inability to create connections to Hardwick Close and Damson Tree Close) is unfortunate, it is not considered so impactful on the overall objectives of encouraging sustainable movement within the development and the wider locale as to substantiate refusal of the application.

7.35 It should be noted that no alterations are proposed to the southern end of Upper Hardwick Lane and no pedestrian or cycle provision is proposed from the site access with the A44 along to the junction with Upper Hardwick Lane and Winslow Road. Upper Hardwick Lane where it crosses the spine-road to access Stonehouse Farm would be adopted. The applicant has omitted proposed upgrades to Upper Hardwick Lane and improved footway provision along the A44 to Winslow Road following discussions with Bromyard Town Council. The formal footway connection to the south of the site therefore relies on Flaggoners Close and Winslow Road. As set out within the comments from the LHA, it is acknowledged that a connection which relies on Upper Hardwick Lane and the A44 would likely provide a more direct means of pedestrian access to the services and facilities and bus stop at the junction of West Hill and Panniers Lane (and the Queen Elizabeth High School) 'as the crow flies', despite the formalisation of an indirect route as is proposed. Nevertheless, subject to additional contributions being sought to provide the A44 footway improvements when required (would not be prior to occupation) on balance, the current scheme is considered adequate whereby pedestrians would be routed via an existing residential area (Flaggoner's Close and Winslow Road) before reaching the aforementioned destinations. Therefore, absent of any required upgrades to the existing footway provision between Upper Hardwick Lane and Winslow Road as part of the proposal itself, the proposed alternative is judged as satisfactory.

7.36 Policy BY2 of the Core Strategy states that new highway infrastructure which comes forward as part of the strategic site development should be designed as to not prejudice the delivery of additional development beyond the plan. Although the proposal in itself does not sterilise development opportunities for the remainder of the strategic site as identified within the Core Strategy extending east to Tenbury Road, the LHA have requested a 3-metre land strip between the site access off the A44 and the southern terminus of the foot-cycleway for potential future cycle routes to develop within Bromyard. This has been withdrawn as part of the submission by the applicant. The only cycling access to the development, aside from the carriageway, is through Cherry Tree Close. It is most regrettable that this is the case as this could raise implications in delivering sustainable connectivity should further development within the north and west of Bromyard come forward either during or beyond the current plan period. Indeed, should the remainder of the strategic site come forward – implications could arise in terms of providing suitable pedestrian and cycle connectivity to the west of the town, principally the Queen Elizabeth High School

7.37 Limited opportunities exist for such facilities, making this a valuable chance for future connections. The applicant's refusal to incorporate this potentially hampers the LHA's ability to adopt the land, possibly leading to challenges similar to the applicant's own whereby some desired connections to residential roads off Winslow Road cannot be achieved. Future residential developments and longer-distance cycle routes would benefit, but these opportunities hinge on the strip's availability. The LHA requests a planning condition for the 3-metre strip to be provided. The absence of such may give rise to potential sterilisation of future cycle connections should adoption not be possible; as adoption requires serving wider public interests. The LHA believes the removal of this potential link means the wider public would not benefit from site adoption.

7.38 Additionally, as part of the off-site highways works to accommodate and facilitate the above set out links from the development, a number of strategically located un-signalised crossing are proposed along Winslow Road as well as bus stop locations close to the junctions with Hardwick Close and Damson and Cherry Tree Close. Noting the concerns raised with respect to increased traffic along Winslow Road generated by the development, these measures should help to encourage active travel through the site and stimulate onward use of public transport. These would be secured through the Section 278 process. The prices of bus fares is not strictly a material planning consideration, nor can the LPA enforce or provide a guarantee of a particular level of service provision; the development would however facilitates public transport links.

7.39 When having regard to the above considerations, the proposal is judged to be such which would demonstrate that local highway network could absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, as well as, on balance and subject to further details, being designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space throughout. When having regards to the expectations of the Core Strategy for this strategic site, it is considered that the development would provide sustainable pedestrian and cycle links which are generally satisfactory to encourage sustainable patterns of movement, as well as facilitating the use of public transport and reducing the reliance of private modes. As such, in terms of access arrangements and overall highway safety and connectivity throughout the site, the proposal in the round can be considered for the most part, to accord with Policy BY1, BY2, MT1 and SS4 of the Core Strategy, as well as the principles outlined in Chapter 9 of the NPPF, in particular Paragraphs 114 – 115 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.

Landscape and visual impact

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

7.41 The application is accompanied by a Landscape and Visual Impact Appraisal (LVIA), with an addendum to the original supplied as part of the substantive revision to the scheme in 2023. The key conclusions of the LVIA are as follows; -

- Due to the reduction in site area, the overall effects on the landscape character would be highly localised and diminish as distance to the site increases; and

- Due to the reduction in site area, there would be a lesser effect on views from the surrounding countryside (including residential receptors and uses of PRoW)

7.42 The site is not subject to any local or national landscape designations. The site falls within NCA 101 – Herefordshire Plateau of the National Character Assessment and within the Timbered Plateau Landscape Character Type of the Herefordshire Landscape Character Assessment (2009). The LVIA acknowledges that the application site lies within the 'Hardwick Hill' zone within Herefordshire Council's Urban Fringe Sensitivity Analysis (2010). This zone is identified as having a 'high' sensitivity.

7.43 As also referenced within the LVIA, the application site contains the remains of a former arable landscape associated with the historic core of the town. Recent residential development (the likes of Winslow Road and associated roads leading off) have extended across this landscape and this has left an abrupt edge between the settlement and the open-countryside. This is captured within the Herefordshire Green Infrastructure Strategy (HGIS) (BroLEZ 3) and broadly informs the area known as Hardwick Bank as identified for residential development through Policy BY2 of the Core Strategy.

7.44 In terms of the proposals impact on the character of the landscape, the Council's Built and Natural Environment Team (Landscape) have previously accepted the conclusions of the LVIA which relates to the original scheme of up to -500 dwellings over the original and much larger site. There is general agreement that the development in its current form would extend built form across the site and therefore altering the character at a site level. However, it would read as a natural extension to the existing settlement and edge and therefore would not be discordant with the site's context. There would be an overall minimised impact on receptors given the retraction in the built form and site area compared to the scheme as originally deposited.

7.45 In terms of the visual impact of the proposed layout on the development, the Council's Built and Natural Environment Team (Landscape) have raised a number of issues. Firstly, there are concerns surrounding the visual impact of the balancing pond to the northwest of the site, required as part of the surface water strategy. Due to the topography of the site, within the layout currently under consideration there would be a requirement for a retaining feature, indicated at this stage as being a 2.5-metres wall. Although this degree of engineering would invariably present as a potentially oppressive feature within the development, it would be read against a backdrop of residential development and other associated hard landscaping and infrastructure. It is only the acceptability of the layout which is for consideration at this stage. Therefore, although the layout as deposited would require this feature – it would be incumbent on any forthcoming reserved matters application that deals with scale, appearance and landscaping to demonstrate that the feature could be incorporated within the scheme without any discernible visual harm to the landscape. Nevertheless, there would be space within the layout to provide some peripheral / marginal landscaping along the retaining wall.

7.46 As previously underlined, the overall layout is considered broadly acceptable, reflecting existing patterns of development found to the east. Building lines and the positioning of plot specific parking and detached garages are generally such which would be conducive to an attractive street-scene but acceptable details submitted pursuant to the remaining reserved matters would be required to ensure that the development would not have an unacceptable visual impact. Some concern has also been raised by the Built and Natural Environment Team (Landscape) with respect to the fact that the submission indicates tree planting to be located within individual respective plots. The submitted illustrative landscape plan however does illustrate significant potential for landscaping strategically located throughout the open-space and along the site's edges – both in the form of new planting and the retention of existing trees and hedgerows. Street trees are indicatively proposed to be located along the spine road and while these are not consistent, it may not be entirely characteristic in this location to insist on a formalised boulevard type arrangement given the distinctively rural and edge of settlement character of the site. Furthermore, it would need to be demonstrated that proposed trees are located appropriately, in accordance with arboricultural guidance to ensure that they establish themselves successfully. In any case, such details would be formally considered as part of landscaping with any forthcoming reserved matters application but crucially, the layout is not considered such which would prejudice an acceptable landscaping strategy for the site.

7.47 Comments in terms of the surfacing (roads and footpaths) are noted but these would be considered as part of landscaping at any forthcoming reserved matters application and ultimately, would be subject to meeting an acceptable specification to be submitted as part of details secured by condition and / or for adoption as part of the Section 38 process.

7.48 Further details with respect to landscaping throughout the Public Open Space (POS) would again come forward as part of any forthcoming reserved matters application. It is again not considered that the layout as deposited would compromise the ability for a visually attractive public open space to be delivered which encourages use and connectivity thereto.

7.49 The applicant has submitted an Arboricultural Impact Assessment which outlines the trees to be removed and those identified for retention as part of the development. Some trees proposed for

removal have been done so on the basis that they are understood to have Ash die-back. In total, 5no trees are proposed for removal, with 8no. being affected (development encroaching onto root protection areas). The submitted Landscape Technical Note identifies extensive replacement planting opportunities throughout the site.

7.50 It should be noted that a group Tree Preservation Order (TPO_681) has been served by Herefordshire Council, this covers 12no. individual trees and 4no. groups of trees within the bounds of the application site. The applicant contests this on the basis that three of the trees covered by the TPO are identified for removal in order to facilitate development. These are located within the POS and due to alleged die-back, their removal is considered necessary to ensure that publicly accessible areas are safe. It is noted that there are separate processes available to the applicant for challenging the TPO / applying for its (partial removal). Therefore, the granting of this outline planning permission would not hinder the applicant's ability to seek removal of these trees should there be considered a safety implication requiring such. Otherwise, the trees covered by the TPO would not conflict with the layout under consideration.

7.51 Therefore, when considering both the impact of the development on the character of the landscape as well as overall visual amenity, the quantum of development proposed together considering the revised layout is not considered such which would give rise to any discernible tension with Policy LD1 of the Core Strategy. It would allow for development that both respects the townscape, landscape and green infrastructure of the area, as well as enabling landscape buffers to mitigate the impact of the development on the wider landscape. The proposal is therefore in accordance with the expectations of Policy BY2 of the Core Strategy.

Public open space

7.52 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, due to the scale of the development there is a requirement to provide onsite play / open space provision. Policy BY2 of the Core Strategy states that a new formal park should form part of the residential development, complemented by new play and sports facilities and allotments.

7.53 The layout of the site allows for an extensive POS (in total amounting to 0.23ha) which would feature centrally positioned POS within the development. This enables pedestrian connectivity from the western side of the development (other side of Upper Hardwick Lane) as well as from the spin-road to the south and from pedestrian connectivity routes taken from the end of residential roads. The park and open-space would take advantage of the topography of the site in order for abutting residential development to provide natural surveillance. Children's play has been sited throughout the site, increasing connectivity and overall multi-functionality. Maintenance and management would be secured by way of the Section 106 agreement and the landscaping, scale and appearance of these elements would be considered as part of any forthcoming reserved matters application(s).

7.54 Allotments and community gardens are suitably located throughout the site and the management of these would also be secured through the Section 106 agreement.

7.55 The provision is considered such which complies with the requirements of Core Strategy policies OS1, OS2 and BY2.

Public rights of way

7.56 PRoW WN2 runs north and then west through the northeastern part of the site. The layout under consideration would impact on the current definitive route of the PRoW. In such circumstances, the applicant would need to obtain a separate consent in respect of the rerouting of the PRoW. This process would take place outside, and separate to the determination of this application and

should any issues arise which result in changes to the PRoW not being supported, the applicant would have to seek alterations to the approved layout utilising the most appropriate mechanism depending on the scale and nature of the required changes. It is important to emphasise that the granting of planning permission does not override this other legislation (Highways Act). As such, any concerns relating to the impact of the layout on the existing PRoW should not delay the determination of this planning application, nor would it be reasonable to refuse the application on that basis.

7.57 As above outlined, the development looks to utilise WN2 as an off-site connection where it runs along the southern boundary of the site and provides access to Damson Tree Close. Although it is not possible to widen this relatively narrow link, the proposal would upgrade this to tarmac surfacing which would make it more user-friendly for pedestrians and provide an alternative link to the 3-metre pedestrian-cycle way which links the site with Cherry Tree Close at St Peter's Primary School.

Impact on residential amenity

7.58 Policy SD1 of the Core Strategy seeks to ensure development does not give rise to any adverse impacts on the amenity of existing or future occupiers. For a residential scheme, this could be as a result of overlooking, overshadowing and loss of light. Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution.

7.59 The NPPF recognises the need to make efficient use of land, whilst ensuring safe and healthy living conditions and that developments should create safe, inclusive and accessible places that promote health and well-being with a high standard of amenity for existing and future users – where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.60 Development on the site has the potential to impact on existing residents, particularly where residential development is to be positioned close to the boundary with existing dwellings. The scale and mass of any building sited within close proximity to existing dwellings may result in development that would appear overbearing and obtrusive or result in a loss of light. In addition first floor windows in the elevations of any new buildings sited close to existing properties might result in unacceptable overlooking and a loss of privacy.

7.61 In this case, layout it to be considered as part of this outline application. The area in which proposed development is to be located closest to existing residential properties is to the north of Hardwick Close and Damson Tree Close. Whilst Herefordshire Council does not currently have any guidance on spatial standards for housing, typically distances of between 21 and 23-metres between the rear and opposing dwellings are used for assessing whether there would be any loss of privacy (and slightly less between the rear of a dwelling and a side gable-end wall).

7.62 In terms of Hardwick Close, the closest arrangement would be 16-metres between No 31. Hardwick Close and the proposed dwelling positioned to the corner of Upper Hardwick Lane and the spine road. This would likely be a gable-end / rear of dwelling arrangement and the impact would be mitigated through the retention of the existing boundary trees and vegetation which could be further considered as part of any reserved matters application relating to scale and landscaping. A similar arrangement and distance would be present to the north of No. 16 Hardwick Close. Here, there is currently less robust boundary vegetation with a post and wire fence at the end of Upper Hardwick Close providing extensive views into the site. As indicated on the illustrative site masterplan, in this location a landscape buffer is proposed and this would go some way in diminishing the impact of the new development to the immediate north.

7.63 Other rear to rear opposing distances would be in excess of 21-metres at both Hardwick Close and Damson Tree Close. There would much greater separation between existing properties along the west of Hardwick Close and Flaggoners Close, in-part a consequence of Upper Hardwick

Lane which intervenes and provides additional screening / barriers between new development and existing properties.

7.64 Within the site, distances between properties vary but are broadly acceptable. Rear to rear distances between the properties in the cluster to the immediate west of the school expansion land are around 16-metres and there are a small number of other areas throughout the development where the layout indicates less than what may *usually* be considered as an acceptable separation distances. However, details of scale, appearance and landscaping are reserved for future consideration. It is not considered that the layout is such which would prohibit acceptable levels of amenity being afforded to future occupiers and it would be dependent on appropriate scale and fenestration arrangements. In the absence of any supplementary guidance on this matter, it is not considered that refusal of the application on grounds of amenity when solely considering layout would be adequately substantiated.

7.65 Whilst concern in respect of the loss of views is understood, it is a well-established principle that there is no right to a private view and the loss of such is not a material planning consideration. This issue is not material to decision-making and must not be attributed any weight.

7.66 In terms of the impact of the existing acoustic environment on future occupiers, the Council's Environmental Health (Noise) Team have not raised any notable objection to the proposal. The development would be set well back from the A44, principally due to topographical and landscape constraints and this means that no proposed dwellings would be positioned proximal to the A44. There is an existing telecommunications mast located to the far southwestern corner of the site and this has been recorded to emanate some sound. This has not been identified as a cause for concern by the Environmental Health Team and the proposed dwellings would be positioned roughly equidistant from the mast as is Stonehouse Farm to the south. However, to ensure acceptable standards of amenity, safeguarding conditions are recommended which seek further details to ensure internal habitable accommodation is subject to acceptable levels of noise.

7.67 A construction management plan for each phase condition has been recommended in order to control and minimise disturbance during the construction phase, given the proximity of the site to residential receptors. Once completed, the development should have no greater implications for noise generation or nuisance that any other residential use.

Drainage, flooding and water resources

7.68 Policy SD3 expects that new development comprises effective and sustainable water management in order to reduce flood risk. This includes ensuring that development proposals are located in accordance with the sequential test and exception tests where appropriate, consistent with the overarching guidance and principles as set out within the NPFP. Furthermore, development should include appropriate sustainable drainage systems (SuDS) to manage surface water according to the hydrological setting of the site.

7.69 As required, the application is supported by a Flood Risk Assessment (FRA). It confirms that the site is location within Flood Zone 1 which is at the lowest risk of flooding, with the effects of climate change. The site is not at risk of surface water flooding, or from any other sources.

7.70 As expected from the layout and any form of development of this quantum, the amount of impermeable area would increase and this can in turn lead to increased runoff rates. In this case, the proposed outfall is to a ditch upstream of the River Frome and therefore any increased flows would lead to flooding on remote agricultural land, away from developed areas. Where there is an increase of impermeable areas, water runs quicker into rivers and streams and this has implications when taking account of receptive volumes, increasing the risk of downstream flooding.

7.71 Some limited infiltration testing has been undertaken on site although infiltration is likely only viable in certain isolated areas of the site. Additional testing would be required and supplied as part of further details to highlight where infiltration to ground could be incorporated within the site wide drainage strategy.

7.72 On the basis that infiltration is broadly not an option across the site, attenuation basins are proposed with controlled discharge. It is acknowledged that it is difficult due to the topography of the site to size a basin which can store the 100 year + climate change storm. It is therefore proposed to use additional flow controls, and the BBLP Land Drainage Team are satisfied that further details could be provided at a later stage and secured through appropriately worded planning conditions. For example, the strategy could include below ground storage within areas of open space (in the form of geocellular crates) uphill of the attenuation basin, or beneath it. Consideration would need to be given to ensuring that controls are in place to ensure that water from small rain events drains to the basin and is not stored within the creates, otherwise the basin would remain dry which can lead to a number of implications relating to visual impact, overall amenity and adoption.

7.73 It should be noted that above ground features would not be adopted by DCWW; therefore the basins would be adopted by Herefordshire Council, or via a private management company and a condition is recommended to secure such details.

7.74 Consideration has been given to instances where blockages occur or where rainfall events occur that exceed the capacity of designed strategy. Exceedance routes have been provided which details the overland flows which are considered acceptable. Nevertheless, details would need to be supplied on plans as part of details secured by condition or at any forthcoming reserved matters submission(s).

7.75 The BBLP Land Drainage Team have recommended that the applicant engage in discussions with DCWW in achieving a solution which is capable of adoption. Nevertheless, the constraints of the site and the layout as deposited are considered satisfactory to provide comfort that further details could be secured through condition.

7.76 In terms of foul water, there would be a requirement to connect to the existing mains sewer served by DCWW within Bromyard. DCWW have advised that there is insufficient capacity in the network to accommodate the development. As required by DCWW, a pre-commencement to facilitate a hydraulic modelling assessment is recommended to be attached to any outline planning permission. This would determine the point of connection following any require reinforcement works to the system.

7.77 Some concern has been raised with respect to low water supply issues within the immediate locality, namely Damson Tree Close. DCWW advise that there are existing capacity issues and that the supply system would not be able to serve the development without having a detrimental impact on existing customers' water supply. Therefore, a hydraulic modelling assessment would be required and the potential delivery of reinforcement works as well as the provision of a new water main to serve the development. This is regulated through the relevant sections of the Water Industry Act (1991) and therefore it would be necessary to impose planning conditions relating to matters of potable water supply.

7.78 In the round, the proposal development, taking account the layout under consideration is judged as satisfactory insofar further details could be secured at a later stage in order to make the development acceptable from a flood risk and drainage perspective. As such, no tension with Policy SD3 and SD4 is identified.

Ecology

7.79 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.

7.80 Given the period of time in which the application has been under consideration by the LPA, a number of ecological surveys and updates have been completed over this extended period to reflect any potential changes over time and to ensure that they are relevant for consideration.

7.81 As set out in the comments provided by the Principal Built and Natural Environment Team (Ecology), the submission identifies some specific areas of ecological interest throughout the site where there are some small populations of protected species, often associated with existing ecological corridors of trees and hedgerows.

7.82 Although the application is made in outline (with access and layout for consideration at this stage), the illustrative plans do indicate the retention or significant amounts of green infrastructure. Indeed, the layout itself assists in adding to the biodiversity of the site through the location of POS along retained green infrastructure and ecology corridors. This is considered sufficient to inform more detailed ecological enhancements which would come forward at a later stage (through conditions or landscaping reserved matter(s)) and ensure accordance with Policy LD2 of the Core Strategy.

Impact on the River Lugg / Wye Special Area of Conservation

7.83 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC) currently failing its conservation status as a result of phosphate levels within the river.

7.84 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.

7.85 The Applicant in this case has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 35.08kg TP/year (including 20% buffer) which must be managed against in order to avoid detriment to the River Lugg. The Council's Built and Natural Environment Manager (Ecology) has quality checked and confirmed these figures as accurate.

7.86 Noting the above, the Applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated. Based upon the annual phosphorus load of 35.08kg TP/year, the Applicant is required to purchase credits to the value of £491,120. This would be secured by a Section 106 legal agreement.

7.87 The Council continues to explore the option with the applicants to offer a phased approach to the purchase of the credits and the use of Section 106 agreements to be able to facilitate this but this is dependent upon alternative mitigation (such as a further wetland) being progressed. The recommendation below allows some flexibility with this approach to allow for the further exploration of this.

7.88 The Council's Built and Natural Environment Team (Ecology) has completed an Appropriate Assessment (**Appendix 5**). This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposed development is nutrient neutral and as such compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of Core Strategy.

Climate change

7.89 Core Strategy Policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.

7.90 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living and sustainable modes (as defined by the NPPF). The NPPF sets out that in assessing sites for specific applications for development Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this it looks to ensure development is designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.

7.91 The site is located, as set out above, to deliver sustainable development amongst which includes reducing the need to travel by private car, on the edge of Bromyard. The location lends itself to the ability to walk or cycle to the town centre and other services and facilities nearby including primary and secondary schools.

7.92 The development would also deliver substantial open and recreational space within it, secured through a Section 106 agreement with details delivered in matters reserved for future consideration. Accordingly, the proposal is located whereby many day to day functions and journeys by future occupiers could be undertaken without the need to use a private vehicle.

The development includes significant areas of formal and amenity open space along with opportunities for a substantial amount of new planting exceeding previous green coverage on the site with regards to trees, hedgerow and habitats. Precise details would be secured through a combination of the Section 106 agreement and within any subsequent reserved matters application(s), however with regards to the requirements of Policy BY2 of the Core Strategy and illustrative masterplan, it is clear enhancements and gains would be achieved.

7.93 Furthermore, the application is supported by an 'Energy and Sustainability Statement' which seeks to demonstrate how the development would achieve optimum energy efficiency and carbon reduction in line with policy requirements and other regulatory standards. A 'fabric first' approach is proposed, incorporating high standards of thermal insulation, airtightness, and thermal bridging together with efficient heating and lighting systems. It also appraises the feasibility of low carbon and renewable energy systems. With this, it advises that air source heat pumps are likely the best option for delivering low carbon heating to all dwellings. Solar photovoltaic systems would be feasible for the development and would make efficient use of south facing elevations throughout the development.

Affordable Housing / Housing Mix

7.94 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. Policy H3 expects development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities and as set out through Policy BY2, this means providing a target of 40% affordable housing.

7.95 The proposal looks to provide 125 open-market dwellings (50%) and 125 affordable dwellings (50%) which is inclusive of 25 (10%) additionality grant funded units on top of the target 40% otherwise provided as part of the development.

7.96 In terms of open-market provision, the mix provided would be 15% 2-bedroom (houses and bungalows), 65% 3-bedroom and 20% 4-bedroom. When having regard to the Herefordshire Housing Market Area Needs Assessment 2021 (HMANA) for Bromyard (Urban) Housing Market Area (HMA), the mix as deposited is slightly skewed towards the larger bedroom numbers but is generally responsive to the overall HMA need and would include the provision of both houses and bungalows which, in context of limited housing delivery within Bromyard through the plan period so far, is acknowledged as an overall benefit with the HC Strategic Housing Team raising no objection in this regard.

7.97 In terms of the affordable rented provision (45 units), this would come forward as 18% 1-bedroom (flats and maisonettes), 42% 2-bedroom (flats, bungalows and houses), 22% 3-bedroom and 18% 4-bedroom. This is broadly considered an appropriate mix and although there is some disagreement in the submission with the HC Strategic Housing Team with respect to the provision of 1-bedroom accommodation (especially in terms of flats), the mix as deposited does respond to the HMANA in which Policy BY2 directs to, irrespective or potential more recent demand changes. Concerns with respect to maintenance and associated perceived disbenefit of flatted accommodation are noted but this is considered a management issue of any forthcoming registered provider and cannot of itself substantiate the overall resistance of such affordable provision.

7.98 30no. units of shared ownership homes would be provided at a 50:50 split between 3 and 4-bedroom. A policy compliant (25) amount of First Homes would be provided in the way of 19 2-bedroom, 5 3-bedroom and 1 4-bedroom.

7.99 As required, the additionality grant funded units would be tender neutral and would be agreed based on up to date evidenced local need between the LPA and any registered provider. If these additional affordable units are not delivered as such, the dwellings would be provided as open-market and contributions would be sought on these units (this requiring a variation to any approved outline planning permission given the consideration and approval of layout at this stage).

7.100 It should be noted that the proposed 2 out of 6 of the 2-bedroom bungalows proposed for affordable rent, have been amended to be M4(3) wheelchair accessible bungalows. The remaining bungalows would be M4(2) accessible and adaptable. It is considered that this broadly demonstrates accordance with Policy H3 as it would provide housing capable of meeting the specific needs of the elderly population.

7.101 The layout and tenure plan demonstrates that the affordable provision would be pepper-potted throughout the site and evenly distributed across both Phase 1 and Phase 2 to ensure appropriate and responsive delivery.

7.102 The affordable provision which prioritises local connection to Bromyard would be secured through the Section 106 agreement as detailed below, with the housing mix secured by way of planning conditions.

Section 106 - Planning Contributions

7.103 Core Strategy Policy ID1 states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in Paragraph 56 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (Section 106 agreement). To meet the tests obligations must satisfy all of the following:

a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.

7.104 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services). The agreement would also provide for the transfer of the land identified for the expansion of St Peter's Primary School to the LEA.

7.105 These contributions are set out within the draft Section 106 agreement and also includes the mechanism for the securing of the requisite purchase and allocation of phosphate credits to mitigate the phosphate impacts of the development as above set out. A summary is set out below in **Figure 3.**

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 **£375.36 (index linked)** per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	A financial contribution of; • **£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 Years, St Peters Primary School, Queen Elizabeth Humanities College, Bromyard Youth and Special Education Needs. 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. 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; • **£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	A financial contribution of; • **£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 The monies shall be used by Herefordshire Council towards the costs of public realm improvements and supporting active travel measures.
On site Public Open Space and Play	The developer covenants with Herefordshire Council to provide a minimum of 6,900ha (6900sqm) of on-site green infrastructure comprising; • 0.23 ha (2300sqm) of Public Open Space (@ 0.4ha per 1000 population) • 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** 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.
Phosphate credit purchase	Purchase of phosphate credits to ensure that the development is phosphate neutral and will not adversely affect the catchment as a habitat site; • **35.08kg = £491,120.00**

Figure 3 – Summary draft Heads of Terms

Other matters

7.106 Recevied representation has rasied concerns with respect to the widening of the footway between upper Hardwick Lane and Winslow Road insofar that it would encroach onto private property. Footway provision along this stretch has been omitted from the proposal but nevertheless it should be noted that the LHA have been to site to measure and it is confirmed that the improvements could be accomodated within highway land. In any case, notwithstanding the existing structures (steps etc.) that exist here, adverse possession cannot be claimed for highway land.

CONCLUSION

7.107 The proposed development forms part of a strategic site and would deliver 250 dwellings, the minimum requirement for the site as a whole. The site is within easy reach of the market town of Bromyard, the local highway network and existing services and facilities within the town. It is therefore considered to be a sustainable location. The proposed layout is considered broadly acceptable whereby it would provide, and allow for, the requisite level of open-space and associated infrastructure without compromising visual amenity or resulting in any notable adverse landscape impacts. Highways and connectivity matters have largely been satisfactorily resolved; the proposal would enable active travel links to surrounding residential areas and services and facilities and; would not sterilise the ability for further development of the remainder of the strategic site.

7.108 The development would give rise to both social and economic benefits which would include but not be limited to the initial boost to the local economy during the construction phase, albeit the extent and magnitude of this cannot be guaranteed. There would however be inevitable spend from future occupiers and additional dwellings to increase choice within the market including affordable provision. The securing of an appropriate mix of open-market and affordable housing would also help to contribute towards a mixed and balanced community.

7.109 Financial contributions would also be secured and these would provide for additional local infrastructure capacity where required, including local education and GP provision, noting acknowledged strains. In the context of local concerns with respect to capacity, this is considered to be a benefit of the development.

7.110 Subject to a well-considered reserved matters application(s), it is reasonable to conclude that there would be no discernible adverse environmental impacts; or if any do arise, that they would be of such insufficient magnitude to outweigh the benefits of providing residential development, including affordable housing, in a sustainable location.

7.111 The proposals are considered to represent sustainable development and are generally in accordance with the development plan. Consequently the 'presumption in favour' set out in local and national planning policy applies. Approval is therefore recommended subject to the conditions and a legal agreement providing for affordable housing (and other) contributions, including the purchase of phosphate credits from Herefordshire Council to make the development nutrient neutral.

RECOMMENDATION

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 useof 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 developmentwhich shall include the arrangements for its adoption/ownership which may includeadoption 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 herby 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 developemnt 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 reagrd to noise generated by roads and utlitiy 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 perpetuitty 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 witht eha pproved 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 ad 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 compliment the construction activities on site and that all waste emanating from the development is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may not be limited to:

I. a description of the likely quantity and nature of waste streams that will be generated during construction of the development;

II. measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;

III. measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and

IV. details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling

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

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

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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

23 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.

24 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

25 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.

26 Prior to the first occupation of any phase of the development hereby approved, details of landscape, open space, allotment and community garden management taking accont 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

27 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

28 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

29 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

30 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.

31 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.

32 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.

33 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.

34 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.

35 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.

36 For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.

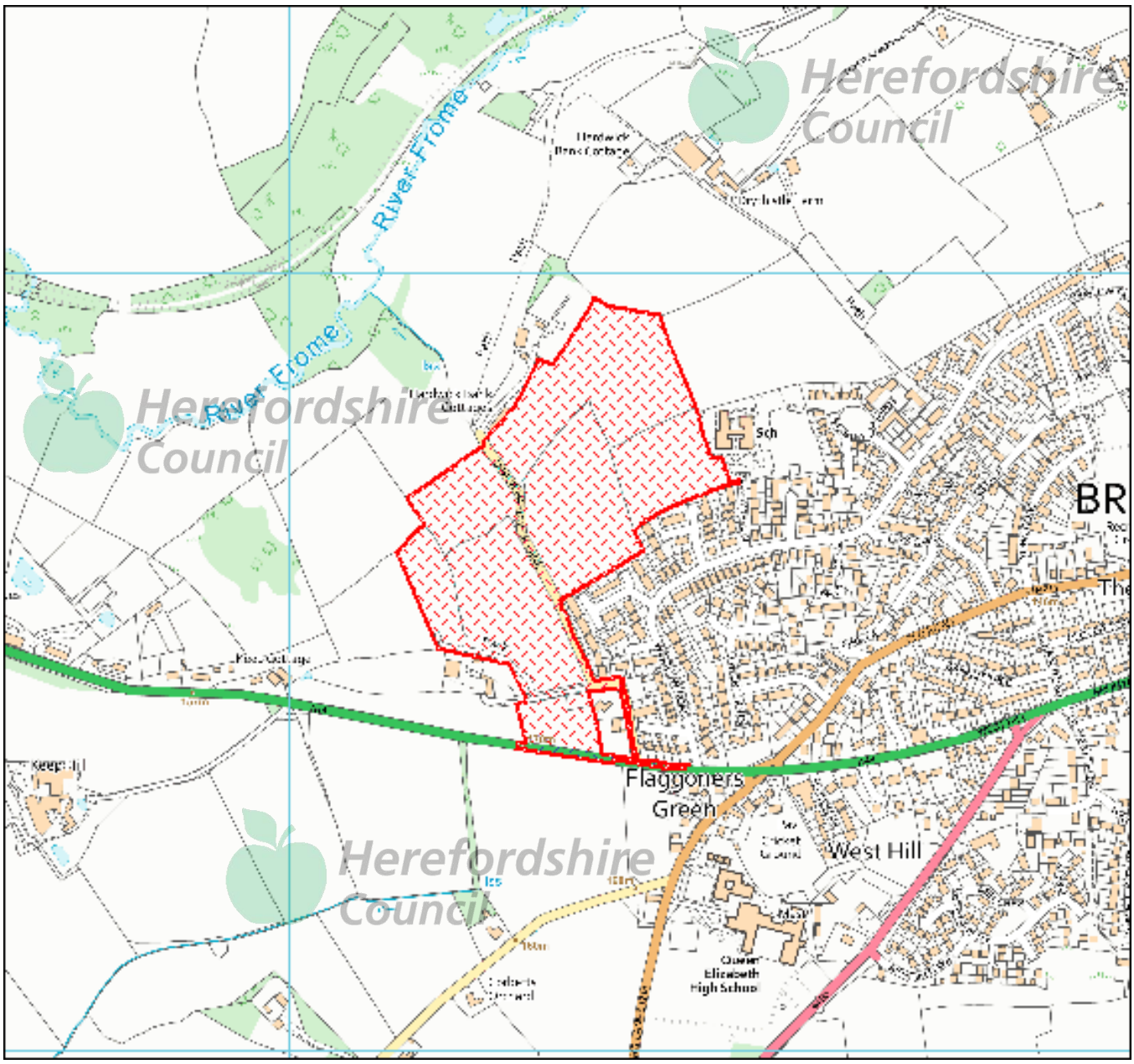
Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Background Papers

None identified.

List of Appendices:

Appendix 1 – Local Highway Authority comments dated 6 October 2023
Appendix 2 – BBLP Land Drainage comments dated 20 December 2023
Appendix 3 – BBLP Land Drainage comments dated 28 November 2023
Appendix 4 – BBLP Land Drainage comments dated 18 July 2023
Appendix 5 – Habitat Regulations Assessment



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: 163932

SITE ADDRESS : LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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

PF2

Herefordshire Council

MEETING:	**PLANNING AND REGULATORY COMMITTEE**
DATE:	**17 JULY 2024**
TITLE OF REPORT:	**163932 - PENDING S106 AGREEMENT - 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 AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE** **For: The Owner and/or Occupier per Russell Smith, 119 Promenade, Cheltenham, GL50 1NW**
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&search-term=163932
Reason Application submitted to Committee – Officer Request for amendment to resolution	

Date Received: 7 December 2016 Ward: Bromyard West Parish: Bromyard

Expiry Date: 30 November 2023
Local Member: Cllr Clare Davies (Bromyard West)

1.0 INTRODUCTION

1.1 The purpose of the report is to seek authorisation from the Planning & Regulatory Committee to agree a further 4 months from the date of the Planning Committee, to finalise and complete a Section 106 agreement pertaining to application 163932.

1.2 It should be noted that there are no changes to the proposed development. Members should refer to the Officer Report considered by the Planning Committee on 17 January 2024 (**Appendix 1**).

1.3 The minutes of the Planning Committee meeting with respect to this application are accessible via the Herefordshire Council website and the following link; - https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=264&MId=8915&Ver=4

2.0 Extension of time for Section 106 negotiations

2.1 This Planning & Regulatory Committee resolved, on 17 January 2024, *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.

Therefore, the resolution has given authorisation to negotiation a Section 106 agreement and ensure its completion within 6 months of the date of the Planning Committee. This is generally common practice and as to assist in the issuing of decisions expeditiously. However, from time-to-time, issues arising with signing agreements, owing to ongoing discussions, which result in delay.

In this particular case, since the date of the resolution, progress has been made. However, discussions are ongoing with respect to the obligations related to the purchase of phosphate credits. The Council are in the process of reviewing the position and preferred approach to the purchase of the required credits as advanced by the applicant.

At present, officers have no authority to negotiate past the 6-month period (expiring 17 July 2024), as the Planning & Regulatory Committee's resolution directs that the application may be refused permission in the event that they are not completed within time.

Officers support and would request this reasonable period of time and note that an agreement is in circulation with ongoing dialogue between the applicant and the authority. This extension will enable continued negotiation on the Section 106 agreement, to facilitate outline planning permission being granted for the strategic site.

3.0 CONCLUSION

3.1 In conclusion, while progress has been made on the Section 106 agreement since the committee's resolution on 17 January 2024, ongoing discussions regarding phosphate credits have caused delays. Given that officers currently lack the authority to extend negotiations beyond the 6-month period, it is recommended to allow a further reasonable period for negotiation. This would support the granting of outline planning permission for this strategic site

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement by 17 November 2024 to secure

- Contributions as set out / required
- 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

If the agreement is not completed by 17 November 2024, but reasonable progress has been made, delegated authority is granted to the Development Management Service Manager to continue negotiation and finalise the agreement and issue the decision.

However, if in liaison with the Ward Councillor and Chairperson of the Planning and Regulatory Committee it is the opinion of the Development Management Service Manager that no progress has been made is made by 17 November 2024, the application may be refused based on the failure to complete a Section 106 agreement, which is considered necessary to mitigate the impacts of the development and to ensure the delivery of affordable housing. In the absence of such an agreement the proposal is contrary to Policy

ID1 of the Herefordshire Local Plan – Core Strategy and the Council's Supplementary Planning Document – Planning Obligations.

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 useof 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 developmentwhich shall include the arrangements for its adoption/ownership which may includeadoption 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 herby 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 developemnt 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 reagrd to noise generated by roads and utlitiy 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 perpetuitty 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 witht eha pproved 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 ad 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 compliment the construction activities on site and that all waste emanating from the development is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may not be limited to:

I. a description of the likely quantity and nature of waste streams that will be generated during construction of the development;

II. measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;

III. measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and

IV. details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling

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

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

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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

23 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.

24 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

25 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.

26 Prior to the first occupation of any phase of the development hereby approved, details of landscape, open space, allotment and community garden management taking accont 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

27 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

28 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

29 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

30 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.

31 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.

32 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.

33 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.

34 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.

35 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.

36 For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.

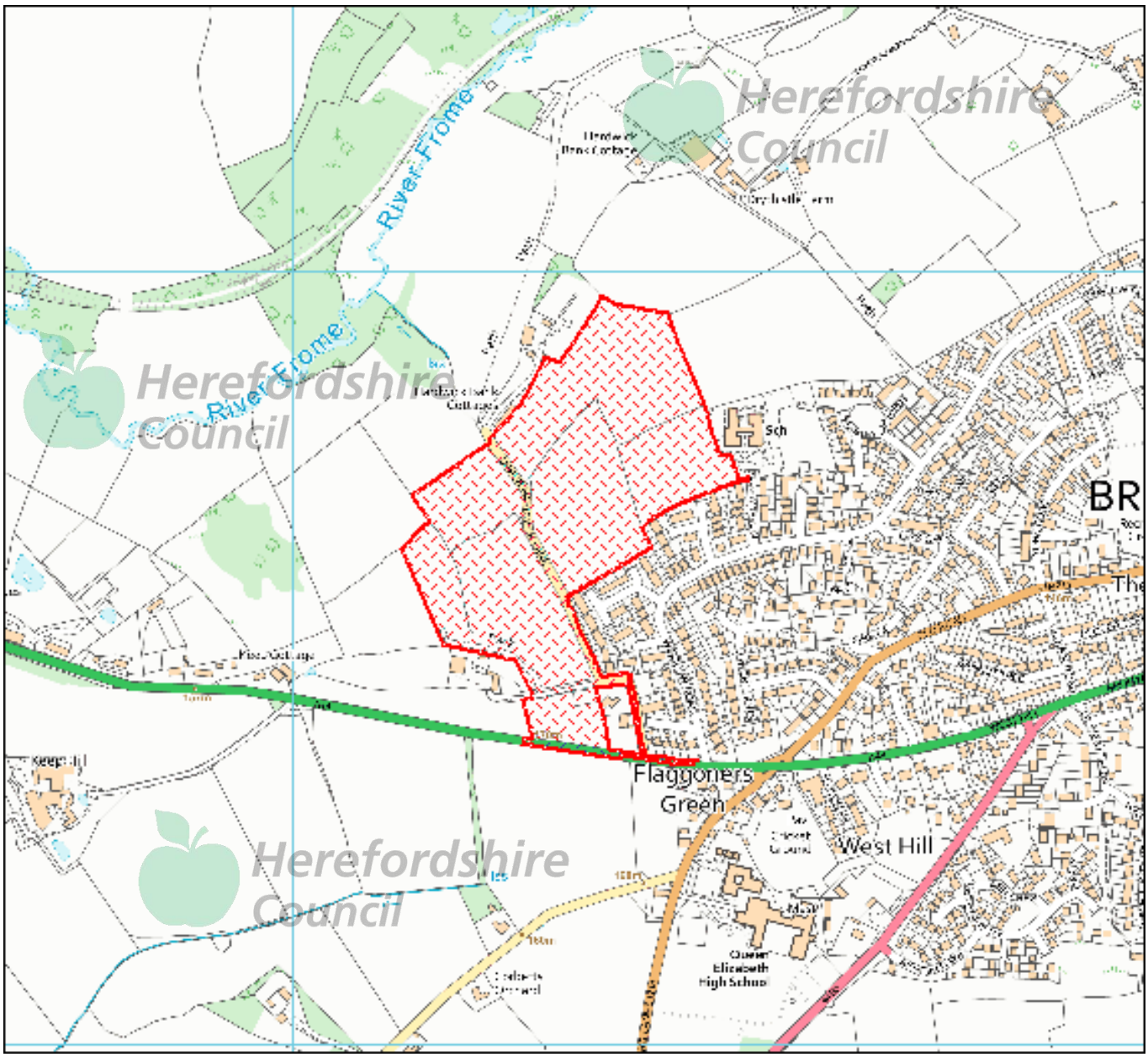
Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Background Papers

None identified.

List of Appendices:

Appendix 1 – Officer Report (17 January 2024)



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APPLICATION NO: 163932

SITE ADDRESS : LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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Herefordshire Council

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 useof 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 developmentwhich shall include the arrangements for its adoption/ownership which may includeadoption 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 herby 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 developemnt 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 reagrd to noise generated by roads and utlitiy 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 perpetuitty 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 witht eha pproved 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 ad 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 faciliites propsoed 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 accont 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 is 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 herby 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 carriageway edge and shall be made to open inwards only.

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

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 (0r 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

3. nature conservation interests.

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

4. the Water Industry Act (1991). Further information can be found via: https://www.dwrcymru.com/en

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 Mosiac 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; • **£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

	Years, St Peters Primary School, Queen Elizabeth Humanities College, Bromyard Youth and Special Education Needs. 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. 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; • **£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 *(Sustainable Active Travel Measures)*	A financial contribution of; • **£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 The monies shall be used by Herefordshire Council towards the costs of public realm improvements and

	supporting active travel measures *which may include;* • *Pedestrian/crossing improvements on Tenbury Road close to Winslow Road junction* • *Footpath improvements between the site and the Town Centre* • *Relocation of the bus station to the A44* • *Broad Street and High Street HGV Access Restrictions* • *Broad Street and High Street 20mph limit* • *Pump Street HGV Access Restrictions* • *New Road HGV Access Restrictions* • *Cruxwell Street Parking Charges* • *Rowberry Street Parking Charges* • *Winslow Road HGV Access Restrictions* • *Station Road improvements* • *Hardwick Bank: improvements to the public rights of way* • *A44 pedestrian subway improvements with potential closure and at grade crossing*
A44 footway improvements (to be delivered in lieu of s278 delivery by the applicant)	*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*
Library contribution	*The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of;* ***£120.00*** *(index linked) 1 bedroom open market dwelling* ***£146.00*** *(index linked) for a 2 bedroom open market dwelling* ***£198.00*** *(index linked) for a 3 bedroom open market dwelling* ***£241.00*** *(index linked) for a 4+ bedroom open market dwelling* *The contribution will provide for improved library infrastructure at Bromyard library*
On site Public Open Space and Play	The developer covenants with Herefordshire Council to provide a <u>minimum</u> of 6,900ha (6900sqm) of on-site green infrastructure comprising; • 0.23 ha (2300sqm) of Public Open Space (@ 0.4ha per 1000 population)

	• 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** 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.
Phosphate credit purchase	Purchase of phosphate credits to ensure that the development is phosphate neutral and will not adversely affect the catchment as a habitat site; • **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

Herefordshire and Worcestershire Integrated Care System

NHS
Herefordshire and Worcestershire

Kirkham House
John Comyn Drive
WORCESTER
WR3 7NS

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 120m^2 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 m^2 cost multiplier for primary healthcare construction prices, adjusted for professional fees, fit out and contingencies (£4,000/m^2).

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

[redacted]

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 wander 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 is 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 s 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 is 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.

Herefordshire Council

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

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

Councillors: Bruce Baker, Jacqui Carwardine, Simeon Cole, Dave Davies, Catherine Gennard, Peter Hamblin, Liz Harvey, Rob Owens, Stef Simmons, Richard Thomas and Mark Woodall

In attendance: **Councillor Helen Heathfield**

Officers: **Development Manager Majors Team, Team Leader Area Engineer and Senior Lawyer**

8. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Polly Andrews, Dave Boulter, Elizabeth Foxton and John Stone.

9. NAMED SUBSTITUTES (IF ANY)

Councillor Rob Owens acted as a substitute for Councillor Andrews.

Councillor Elizabeth Harvey acted as a substitute for Councillor Foxton.

10. DECLARATIONS OF INTEREST

There were no declarations of interest.

11. MINUTES

Clarification was sought regarding the conditions attached to the permission granted for application 233688 in the minutes of the previous meeting on 5 June. At the meeting the committee had agreed that all amplified music would be prohibited at the application site and the conditions required updating to reflect the decision.

The Development Manager confirmed that the decision notice had not been issued for the application. When issued, the decision notice would provide the conditions attached to the permission and would include the prohibition of amplified music on the application site.

RESOLVED: That the minutes of the meeting held on 5 June 2024 be approved.

12. 230457 - LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE (Pages 43 - 54)

The development manager 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 Robinson spoke on behalf of Colwall Parish Council, Mr Mealing spoke in objection to the application and Ms Broomfield, the applicant's agent, spoke in support.

In accordance with the council's constitution, the local ward member spoke on the application. In summary, she explained that a significant amount of work had been undertaken on the application and the neighbourhood development plan in Colwall. A number of objections and concerns to the application had been raised by local residents living in roads around the application site. There was however a contingent of silent residents who were sympathetic to the application recognising Colwall's need for more housing and more affordable housing. It was recognised that there was strong feelings regarding the application locally. Concerns that had been raised regarding the application included the impact on local services including health services and public transport. Concerns had also been raised about sewage treatment and the performance of the local water company. Concerns relating to drainage and flooding had been raised including ground and stormwater runoff and the ecological impact of wastewater from additional houses. There was concern regarding the safety of pedestrians and cyclists using narrow local lanes around the application site. It was noted that the permission contained a number of conditions which would be subject to enforcement if not implemented.

The committee debated the application and the following principal points were raised:

- it was recognised that the application site was an allocated site within the local plan and the neighbourhood development plan for Colwall.
- the condition concerning external lighting should be extended to lighting from the gardens of houses on the development to limit the impact of the development on the landscape.
- it was suggested that in order to attenuate the potential flooding risk from the site to local residences the developer could be required to install a land drain.
- it was noted that solar panels and electric vehicle charging points were to be provided on the application site but this was not conditioned as part of the proposed permission. A condition requiring solar panels and electric vehicle charging points for all dwellings on site was required as part of the permission.
- it was noted that permitted development rights had been suspended with respect to hard boundaries however the committee required the strengthening of this condition to include all additional structures on site in order to support the conservation of a sensitive landscape.

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

Councillor Dave Davis proposed and Councillor Richard Thomas seconded the approval of the application subject to the changes to conditions as outlined below:

- the extension of the lighting condition to include garden lighting;
- the inclusion of a condition to require the provision of solar panel and electric vehicle charging points; and
- the strengthening of the condition to suspend permitted development rights to include all additional structures on new properties.

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

RESOLVED: That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, or a condition requiring the completion of an agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission,

subject to the conditions below, the extension of the lighting condition, the inclusion of a solar panel and electric vehicle charging point condition, the strengthening of the suspension of the permitted development rights condition and any other further conditions considered necessary:

General

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

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

2 **The development shall be carried out strictly in accordance with the approved plans listed below:**

- **PL 001 Rev A: Site Location Plan;**
- **PL 004 Rev X: Proposed Site Plan;**
- **PL 010 Rev C: House Type A (3B6P Detached);**
- **PL 011 Rev D: House Type B (2B4P Bungalow);**
- **PL 012 Rev C: House Type C (4B7P Detached);**
- **PL 013 Rev C: House Type D (4B7P Detached);**
- **PL 014 Rev C: House Type E (3B5P Semi-detached);**
- **PL 015 Rev C: House Type F (2B4P Terrace);**
- **PL 015 Rev C: House Type G (2B4P Semi-detached);**
- **PL 030 : Garage Plans and Elevations.**

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, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and National Planning Policy Framework.

Prior to the commencement of development

3 **Prior to commencement of development, the following shall be submitted to and approved in writing by the local planning authority:**

b) As the Preliminary Risk Assessment (Desk Study) submitted in support of the application (JPP, November 2021, R-DS-23497-01-00) 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 (a) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site,

contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: This condition is required pre-commencement of development, in the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

4 **Prior to commencement of development, details and location of the following shall be submitted to and approved in writing by the local planning authority:**

a) A method for ensuring mud is not deposited onto the Public Highway
b) Construction traffic access location
c) Parking for site operatives
d) Construction Traffic Management Plan

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

Reason: The details relate to the duration of the construction period and are required prior to commencement of development 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 **Prior to commencement of development a detailed, comprehensive, Construction Environmental Management Plan - including but not limited to detailed ecological working methods and consideration of all environmental effects of construction processes shall be supplied to the Local Planning Authority for written approval.**

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

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (ED 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 SSI, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

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

- **The amount and type of construction aggregates required and their likely source;**
- **The steps to be taken to minimise the use of raw materials (including hazardous materials) in the construction phase,**

through sustainable design and the use of recycled or reprocessed materials;

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

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

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

7 **Prior to commencement of development, drainage details for the disposal of surface water and foul sewage shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before first occupation of the development.**

Reason: To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8 **No development shall take place until a full photographic survey of the piggeries has been submitted to and approved in writing by the Local Planning Authority. A copy of the approved record survey shall be submitted to the Herefordshire Historic Environment Record within 1 month of approval.**

Reason: In order to document buildings, or parts of buildings which will be lost as a result of demolition in accordance with Policy LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework. It is important the survey takes place prior to works commencing on site.

Prior to specific trigger points

9 **Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided in accordance with Drawing no. SK01 Rev D. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

10 **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.

11 **Development shall not begin in relation to any of the specified highways works until details of the footway along Old Church Road (as per drawing SK05 Rev C by Rappor) 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 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.

12 **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), invertebrate homes, hibernacula, hedgehog homes and hedgehog highways through all impermeable boundary features, shall be submitted to and approved in writing by the local planning authority.**

The approved scheme shall be implemented in full and hereafter maintained as approved 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) (EL) 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 SSI, SS6 LD1, LD2 and LD3; and the Council's declared Climate Change and Ecological Emergency.

13 **With the exception of site clearance and groundwork, no further development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the**

local planning authority. These details shall include:

a) **A statement setting out the design objectives and how these will be delivered;**
b) **A Soil Resource Survey (SRS) and Soil Resource Plan (SRP) in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils in Construction Sites' (DEFRA 2009);**
c) **A plan showing existing and proposed finished levels or contours;**
d) **A drawing detailing hard surfacing materials;**
e) **Detailed construction drawings of the proposed play area with seating and viewing platform;**
f) **Artefacts and Structures e.g. street furniture, street lighting.**
g) **All proposed planting, accompanied by a written specification setting out species, size, quantity, density and cultivation details;**
h) **A plan detailing the integration of the water attenuation schemes with the POS.**

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.

14 **With the exception of site clearance and groundwork, no further development shall commence until details of the pumping station have been submitted to and approved in writing by the local planning authority. These details shall include:**

a) **Elevations of the proposed pumping station;**
b) **Hard and soft landscaping proposals; and**
c) **Means of enclosure**

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

15 **With the exception of any site clearance and groundwork no further development shall commence until details of the play area has been submitted and approved in writing. These details should include:**

a) **Play equipment,**
b) **Surfacing,**
c) **Landscaping,**
d) **Means of enclosure,**
e) **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 hereby approved and thereafter retained.

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

16 **With the exception of any site clearance and groundwork, no further development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved**

in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Polies SD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

17 **With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, specification and location of electric vehicle charging points, has been submitted to and approved in writing by the local planning authority.**

The electric vehicle charging points serving each plot shall be installed prior to first occupation of that plot 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 of the National Planning Policy Framework.

18 **No works in relation to any of the features specified below shall commence until a methodology and detailed drawings are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details;**

- **Details as to the methodology for lifting and relaying and retaining the tramlines;**
- **Details as to how the tramlines will be incorporated into the wider hard and soft landscaping scheme.**

Reason: In order to ensure the tramlines are incorporated into the landscaping proposals for the scheme in accordance with LD4, CD4 of the Herefordshire Local Plan – Core Strategy and Paragraphs 209 and 211 of the National Planning Policy Framework.

19 **Notwithstanding the approved plans, no works in relation to any boundary treatments required by this condition shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before the dwellings hereby permitted are occupied. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policies SD1, LD1, CD2 and CD7 of the Herefordshire Local Plan – Core Strategy, Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

Prior to occupation

20 **Prior to occupation of the development hereby permitted, the driveway and 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.

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

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

22 **Prior to 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.

23 **Prior to occupation of the development hereby permitted, a comprehensive Landscape Ecological Management Plan including the following details shall be submitted to and approved in writing by the local planning authority:**

- **a) Including all shared areas of land and open space;**
- **b) detailed ecological management methods relevant to all habitats and features present;**
- **c) a scheme for regular ecological monitoring and LEMP review and reporting to LPA (not more than every FIVE years from date of first LEMP for a minimum of 30 years).**

The approved Plan shall hereafter be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment)

(EL) 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 SSl, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

24 **Prior to occupation of the development hereby permitted, a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with 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.

25 **Prior to occupation of the development hereby permitted, written evidence or certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed/implemented shall be submitted to the Local Planning Authority for their written approval.**

The development shall not be occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development.

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

26 **Prior to occupation of the development, refuse and recycling collection arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details**.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

27 **No dwelling hereby approved shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to the dwellings hereby permitted have been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.**

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

Compliance

28 **The proposed slab levels for the development shall be carried out in**

accordance with updated Drainage Strategy Drawing ref C002 rev K, prepared by Rappor.

Reason: To ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, CD2 and CD4 of the Colwall Neighbourhood Development Plan and the National Planning Policy Framework.

29 **No external lighting shall be provided on any dwelling or building approved under this permission 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) (ED 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 SSI, SS6, LD1-3; ; and the council's declared Climate Change and Ecological Emergency.

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

BS5837 Tree Constraints, Tree Impacts and Tree Protection Method Statement for residential development.

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.

31 **The development shall be implemented in accordance with the following documents:**

Flood Risk Assessment incorporating Drainage Strategy revision 5 (December 2022, updated October 2023), updated Drainage Strategy Drawing ref C002 rev K prepared by Rappor and Updated Engineer's Response (October 2023).

Reason: To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.

32 **All hard and soft landscaping (planting, seeding or turf laying) in the approved landscape scheme required by condition 14 shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling or the completion of the**

development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan.

Reason: To 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.

33 **If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

Reason: The site is within an Area of Outstanding Natural Beauty. In order to ensure boundary treatment is maintained in accordance with the approved details and in compliance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

35 **No access gates or doors shall be provided / installed at the site access or internal access road without the prior written approval of the local planning authority.**

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

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. Revised documents have been submitted during the course of the application assessment it has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),), shall be given at least 28 days' notice of the**

applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

3. This planning permission is issued pursuant to a Section 106 Town & Country Planning Act 1990 obligation agreement (Date of agreement to be inserted upon issue of permission).

4. The Council would expect the play area to be of the value £27,000 in accordance with the SPD on Planning Obligations and the size of the development.

There was an adjournment at 11:05 a.m.; the meeting reconvened at 11:17 a.m..

Councillor Baker left his seat on the committee to act as the local ward member for the application below.

13. 214539 - LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HEREFORDSHIRE, HR6 0SG (Pages 55 - 60)

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 Bufton spoke on behalf of Hatfield and District Group Parish Council, Mr Clayton spoke in objection to the application and Mr Andrews, 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 proposed development was located in an unsuitable area and was of an inappropriate scale. The application represented linear development in the village which had remained unchanged for over 100 years. Objections to the application had been received from every resident in Hatfield and the development was felt to be out of keeping with the rest of the village. It was noted that the site was regularly water logged and there was concern regarding the environment impact of the outflow from the package treatment works into local woodland. The application was not sustainable as there were no facilities or services in the village. The application was not felt to meet the requirements of core strategy policy SD1 for new housing in rural areas. The application was not felt to accord with core strategy policies SS6 and SD2 as it was out of keeping with the remainder of the village.

The committee debated the application and the following principal points were raised:

- there was division among the members of the committee. It was the contention of some members that the proposed development was in open countryside, outside the borders of the village. It was the opinion of other members that the development was adjacent to the village and without a neighbourhood development plan the committee was constrained in the decision they could take.
- an enhancement to the condition concerning management and maintenance of drainage arrangements was required to include the provision of a welcome pack for purchasers of the proposed dwellings which explained the ecological impact of wastewater drainage on local water courses and the environment. This change to the condition would help mitigate the impact of the new homes on the local environment.

Members were advised that this could be provided as part of the discharge of condition submission.

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

Councillor Stef Simmons proposed and Councillor Dave Davis seconded the approval of the application subject to the change to conditions as outlined below:

- a condition to ensure the provision of a welcome pack for purchasers of the proposed dwellings to explain the ecological impact of wastewater drainage on local water courses and the environment.

The motion was put to the vote and was carried by a simple majority.

RESOLVED - That subject to the acceptability of the updated Ecology Report, planning permission be granted subject to the following conditions, that would also secure the submission of a wastewater welcome pack and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included:

Standard

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
   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.

   7872-01-B Location and Block Plan
   7872-02-K Proposed Site Layout
   7872-05-A Plot4 Proposals
   7872-04-A Plot3 Proposals
   7872-03-A Plot1-2- Proposals
   7872-07 Garage Proposals
   7872-06-C Plot5 Proposals

   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.

   Prior to commencement

2. **Prior to the commencement of development, 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 74.3-metres in the northeast direction, and 72.2-metres in the southwest direction along the nearside edge of the adjoining carriageway, for each of the proposed points of access. Nothing shall be planted, erected or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

3. **Prior to the commencement of development, details and location of the following must be 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.

    No development to take place, with the exception of any site clearance and groundworks.

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

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

5. **With the exception of any site clearance and groundwork details of the design of the proposed foul and surface water drainage arrangements 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; -**

    Details of the size and siting of the proposed surface water attenuation features including outfall location;
    Details of the size and siting of the proposed foul water drainage mound feature;
    Relevant calculations where appropriate and;
    Management and maintenance schedules for all drainage infrastructure

    The approved scheme shall be implemented before the first use occupation of any of the dwellings herby 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.

6. **With the exception of site clearance and groundworks, no further development shall take place until a landscape scheme is submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**

    a. **All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**

    b. **All proposed hardstanding and boundary treatment.**

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

7. **With the exception of any site clearance and groundwork, details of the vehicular access construction must be submitted to and approved in writing by the Local Planning Authority. The construction shall then be implemented in accordance with the approved specification, ensuring a gradient no steeper than 1 in 12.**

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

    Prior to first occupation

8. **Prior to the first occupation 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 must be submitted to and approved in writing by the Local Planning Authority. 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 occupation of the development. Thereafter these facilities shall be maintained in perpetuity.**

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

9. **Prior to the first occupation of the development hereby approved, a schedule of management and maintenance of the non-private areas (including proposed orchard) shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with the approved schedule.**

    Reason: To ensure the successful establishment of the approved scheme, Local Planning Authority and in order to conform with policies SS6, LD1

and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

10. **Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development**

    Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

    Compliance

11. **The hours during which construction work may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

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

12. **The garages hereby approved shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.**

    Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

13. **The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha. An "impermeable area" will include land covered by buildings or non-porous hardstanding through which surface water is unable to infiltrate.**

    Reason: To ensure the protection of the River Lugg SSSI and the River Wye SAC from additional sources of phosphate resulting from surface water at the site.

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

    Tree Survey – Peter Quinn Associates

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

15. **The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Worsfold & Bowen (revision 1) dated June 2021 shall be fully implemented and hereafter maintained in as stated 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.

16. **At no time shall any external lighting, except low power (under 550 lumens), 'warm' LED lighting in directional down-lighters on motion operated and time-limited switches, that is directly required in relation to the immediate safe use of the approved dwellings be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, unless otherwise approved in writing by the 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.

17. **No more than two 6-metre sections of the existing highway side hedgerow may be removed. All remaining hedgerows must have a secure root protection area extending at least 1-metre beyond the dripline of the hedgerow plants for the entire duration of the construction works approved by this permission, unless otherwise approved in writing by the Local Planning Authority.**

    Reason: To ensure all hedgerows 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.

18. **All planting, seeding or turf laying in the approved landscaping scheme (insert drawing no if appropriate) 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 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

INFORMATIVES:

1. **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 "Higher 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.**

2. **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.**

There was an adjournment at 12:10 p.m.; the meeting reconvened at 12:22 p.m.

Councillor Baker resumed his seat on the committee.

Councillor Gennard left the committee to act as the local ward member for the application below.

14. 230385 & 230386 - MUSEUM, HEREFORD LIBRARY, BROAD STREET, HEREFORD, HEREFORDSHIRE, HR4 9AU

The principal planning officer provided a presentation on the application.

In accordance with the criteria for public speaking Mr Fowler and Mr Milln spoke in objection to the application, Mr Allonby, applicant, and Mr Neep, applicant's agent, spoke in support.

In accordance with the council's constitution the local ward member spoke on the application. In summary, she explained that although elements of the original structure would be lost the scheme represented a significant improvement to the building overall. The newly renovated art gallery and museum would be a significant asset to Hereford

and would enhance the town centre. Proposals in the application would also significantly improve the environmental performance of the building.

The committee debated the application. There was significant support for the application among the committee members but concern was expressed regarding the proposed removal of the historic railings from the front of the building. A condition to the permission was required to ensure the railings along the front of the building would be retained.

Councillor Bruce Baker proposed and Councillor Stef Simmons seconded the approval of application 230385 subject to the changes to conditions as outlined below:

- an additional condition to ensure that, notwithstanding the approved plans, the railings to the front of the building should be retained.

Councillor Bruce Baker proposed and Councillor Stef Simmons seconded the approval of application 230386.

The motions were put to the vote and were carried unanimously.

RESOLVED –

a) 230385/F – That planning permission be granted subject to the following conditions, an additional condition relating to the retention of the railings to the front of the building and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:

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

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

2. **Approved Drawings – Development in accordance with the approved plan: See Appendix 4**

3. **No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.**

   Reason: To prevent hydraulic overloading of the public sewerage system having reagrd to opilicies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy

4. **Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and 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.

5. **Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no work on site shall take place until a detailed design and method statement for the foundation design and all new groundworks has been submitted to, and approved in writing by, the Local Planning Authority. The development hereby approved shall only take place in accordance with the detailed scheme approved pursuant to this condition.**

   Reason: The development affects a site on which archaeologically significant remains survive and a design solution is sought to minimise archaeological disturbance through a sympathetic foundation design in order to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy 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.

6. **Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of a minimum total of TWO 'permanent' Bat roosting boxes (or similar roosting features) and TWO bird nesting boxes (mixed types), should be supplied to and acknowledged by the Local Planning Authority; and shall be maintained hereafter as approved.**

   Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981,), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

7. **All foul water shall discharge to the existing mains sewer connection; unless otherwise agreed in writing by the Local Planning Authority.**

   Reason: In order to comply with 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, SD3, SD4 and LD2.

8. **The multi-functional spaces hereby permitted shall not be open to the public/customers outside the hours of 0800 to 2200 Sundays to Thursdays and 0800 and 2300 Fridays and Saturdays.**

   Reason: To safeguard the amenities of the locality and Herefordshire Local Plan - Core Strategy policies SS6, SD1 and LD1-3.

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

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

10. **Prior to first use of the building by museum staff, details of an internal store for staff cycle storage within the building shall shall be submitted to the Local Planning Authority for their written approval. This store 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 encourage 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

INFORMATIVES:

1. **IP2 – Approval following revisions**
2. **I01 – AAI notification**
3. **The ownership of the land subject of this application is vested in the Council and the consent of the Council as landowner is required before the development is commenced.**
4. **Interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land.**
5. **The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to. Your responsibilities and obligations**
6. **Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.**
7. **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 all Bat species (roosts whether bats are present or not), Badgers, 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.**
8. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act**

1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

b) 230386/L – That listed building consent be granted subject to the following conditions and any other conditions (amendments) considered necessary by officers named in the scheme of delegation to officers:

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

   Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. **Works in accordance with the approved plans: See Appendix 4**

3. **Before work begins the details of appointment of an appropriately qualified professional specialising in conservation work who will supervise the hereby approved works of alteration or demolition shall submitted to and agreed in writing with the Local Planning Authority. Any proposed changes to the agreed supervision arrangements shall be subject to the prior written agreement of the Local Planning Authority.**

   Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works 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. **Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no demolition works shall begin until details and the methodology to secure the safety and stability of those parts of the building to be retained are submitted to and approved in writing with the Local Planning Authority. The works are to be carried out fully in accordance with the approved methodology and details. The methodology and details shall include:**

   - **Strengthening any wall or vertical surface;**
   - **Support for roof timbers on the Broad Street elevation**
   - **Provision of protection for the building against the weather;**

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

5. **Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no works of demolition or alteration by way of substantial partial demolition shall begin until evidence has been submitted to and approved in writing by the Local Planning Authority that a binding contract for the full implementation of the comprehensive scheme of development has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.**

   Reason: To ensure that premature demolition does not take place and that an unsightly gap or derelict site does not detract from the character and appearance of the area 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. **Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal, no further development shall take place until details or samples of materials to be used externally on walls and roofs including the balustrade have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

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

7. **Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**

   - **A sample of the bricks and brickbond to be used in block up the existing rear pedestrian door.**
   - **the face bond of brickwork;**
   - **description of the joints proposed;**
   - **mortar mix, profile and finish.**

   The works 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

8. **No pointing or repointing of existing [brickwork] [stonework] shall commence until a drawing identifying the affected areas, details of the method of removing the existing mortar and details/samples of the new mortar mix and joint finish have been submitted to/inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.**

Reason: To safeguard the architectural and historic interest and character of the 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.

9. **Under no circumstances whatsoever are powered tools (for example, air-driven tools; electric angle grinders and so forth) to be used to cut back masonry joints prior to repointing.**

   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

10. **Unless otherwise agreed beforehand in writing by the local planning authority the existing fabric of the building shall be stabilised, maintained, repaired and adapted as approved in situ as per the;**
    - **Masonry Survey by Stoneworks Building Surveyors 08/04/2024**
    - **Masonry repair Report HMAG-BML-XX-XX-RP-S-0010**

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

11. **Full details of 'making good' exposed areas revealed by demolitions are to be submitted and approved in writing by the Local Planning Authority prior to commencement of works.**

    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

12. **Post creation of opening and introduction of steelwork, but before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**
    - Details of the architectural details around the pad stones supporting the steelwork creating the 2 entrance doors to the front foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03
    The works 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

13. **Before the relevant section of work begins, details of the following shall be submitted to and approved in writing by the Local Planning Authority:**
    - **Repairs to the balcony on Broad Street**
    - **Details of any venting to the Woolhope Room**
    - **Details of any window seals, location and type to W021, W0202, and W0203**

    The works 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 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

14. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.
The new suspended ceilings in foyer rooms identified as 00-003 and 00-005 on drawing 10265-Art-XX-00-DR-A-41110 rev P03

- The new ceiling to third floor rear exhibition room identified on drawings; 10625 – Art-XX-00-A-16129 Rev P01, 10625 – Art-XX-00-A-16123 Rev P01, 10625 – Art-XX-00-A-16126 Rev P01 and 10625 – Art-XX-00-A-16127 Rev P0
- Replacement skirting boards

The works 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 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

15. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details

- Details of the method, procedure and application of paint removal from the stone mullioned windows W0017, W0018, and W0019
- The colour of any paint on the rendered plinth on the southern elevation below windows W0017, W0018, and W0019
- **Any repairs to the tracery windows, WT09/W0205, WT10/W0012,**

The works 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 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

16. No works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.

- Between rafter roof insulation on the roof pitch fronting Broad Street.

The works 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 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

17. **Without the exception of strip out works to remove modern fabric such as suspended ceilings, dry linings to undertake asbestos removal no works in relation to any of the features specified below shall commence until details are submitted to and approved in writing by the Local Planning Authority.**

    - Any works to the staircase or balustrade to the principal staircase in the entrance hall 00-004 on drawing number 10265-Art-XX-00-DR-A-41110 rev P03

    The works 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 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

18. **Unless first agreed otherwise by the Local Planning Authority in writing the framework of the solar panels hereby permitted shall have a matt black external finish which shall be maintained thereafter in the absence of any further specific written permission from the Local Planning Authority.**

    Reason: To preserve the character and appearance 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.

19. **No new plumbing, pipes, soil-stacks, flues, vents ductwork new grilles, security alarms, lighting, security or other cameras or other fixtures shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.**

    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

Councillor Gennard resumed her seat on the committee.

15. 240980 - MORDIFORD BRIDGE, MORDIFORD, HEREFORDSHIRE, HR1 4LN

The senior planning officer provided a presentation on the application and informed the committee of a representation received following the publication of the agenda and the update sheet.

In accordance with the criteria for public speaking Ms Cotton spoke on behalf of Dormington and Mordiford Parish Council and Mr Canning spoke in objection to the application.

The committee debated the application. There was support for the approval of the application.

Councillor Liz Harvey proposed Councillor Bruce Baker seconded the approval of the application. The motion was put to the vote was carried unanimously.

RESOLVED –

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. **The works shall be carried out strictly in accordance with the approved plans (70097406-WSP-SK001 and 70097406-WSP-SBR-SWI-DE-CB-001 Rev.A), except where otherwise stipulated by conditions attached to this consent.**

   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.

2. **No works in relation to above ground demolition, or construction of the new reinforcing wall, or stone slip facing wall with new cutwater stones, shall commence until a sample cutwater stone, carved, fully hand tooled, and finished, and of the exact dimensional form proposed has been provided on site for inspection against the historic cutwater stone it will replicate.**

   Confirmation of the materials, dimensions and finished appearance shall be approved in writing by the Local Planning Authority and carried out accordingly.

   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.

3. **No works in relation to above ground demolition, or construction of the new reinforcing wall, or its stone slip facing wall, shall commence until details listed below are submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with the approved details.**

   - **Petrographic survey of existing stonework to inform appropriate stone type for new stone slip walling;**
   - **Photogrammetric survey of existing stonework to inform appearance of new stone slip walling;**
   - **1:20 elevation(s) of new stone slip facing walls, illustrating proposed stone slip sizes, shapes, coursing arrangements and re-used cutwater tooled stones;**
   - **Samples of new stone types to be utilised for new stone slip walling; and**
   - **Details of materials and methods to be used to infill removed cutwater tooled stones, and as shown on drawings, to a scale of 1:20.**

   Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building, in line 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. **No works in relation to above ground demolition, or construction of the new reinforcing wall, or its stone slip facing wall, shall commence until sample panels of all new facing stonework is provided on site at a minimum size of 1m x 1m for the parapet wall, and 2m x 2m for the spandrel walls, and showing the proposed stone types, sizes, colour, texture, face-bond, mortar mix, joint thickness and finish profile.**

   Confirmation of the materials and methods shall be approved in writing by the Local Planning Authority and carried out accordingly. The approved sample panels shall be retained on site until the work is completed.

   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 line with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

5. **A schedule of works shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. No work shall be carried out other than in accordance with the approved schedule.**
   Reason: To safeguard the architectural and historic interest and character of the listed building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in line with Policy LD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

16. 163932 - LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

The Principal Planning Officer introduced the report which sought authorisation from the Planning and Regulatory Committee to agree a further 4 months from the date of the Planning Committee(17 July 2024), to finalise and complete a Section 106 agreement in respect of application 163932.

The committee debated the report.

Councillor Stef Simmons proposed and Councillor Dave Davies seconded the recommendation in the report. 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 by 17 November 2024 to secure

- Contributions as set out / required
- 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

If the agreement is not completed by 17 November 2024, but reasonable progress has been made, delegated authority is granted to the Development Management Service Manager to continue negotiation and finalise the agreement and issue the decision.

However, if in liaison with the Ward Councillor and Chairperson of the Planning and Regulatory Committee it is the opinion of the Development Management Service Manager that no progress has been made is made by 17 November 2024, the application may be refused based on the failure to complete a Section 106 agreement, which is considered necessary to mitigate the impacts of the development and to ensure the delivery of affordable housing. In the absence of such an agreement the proposal is contrary to Policy ID1 of the Herefordshire Local Plan – Core Strategy and the Council's Supplementary Planning Document – Planning Obligations.

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 useof 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 developmentwhich shall include the arrangements for its adoption/ownership which may includeadoption 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 herby 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 developemnt 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 reagrd to noise generated by roads and utlitiy 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 perpetuitty 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 witht eha pproved 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 ad 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 compliment the construction activities on site and that all waste emanating from the development is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may not be limited to:

I. a description of the likely quantity and nature of waste streams that will be generated during construction of the development;

II. measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;

III. measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and

IV. details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling

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

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

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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

23 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.

24 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

25 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.

26 Prior to the first occupation of any phase of the development hereby approved, details of landscape, open space, allotment and community garden management taking accont 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

27 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

28 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

29 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

30 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.

31 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.

32 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.

33 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.

34 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.

35 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.

36 For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.

Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

The meeting ended at 1.44 pm **Chairperson**

230457 - CONSTRUCTION OF 36 NO. DWELLINGS, NEW VEHICULAR AND PEDESTRIAN ACCESS, INTERNAL INFRASTRUCTURE, LANDSCAPING, OPEN SPACE; AND ASSOCIATED WORKS, INCLUDING DEMOLITION OF PIGGERY BUILDINGS AT LAND TO THE SOUTH OF OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE

For: Rosconn Strategic Land Limited per Mrs Elizabeth Bloomfield, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

ADDITIONAL REPRESENTATIONS

Five Additional Representations (4 x objections and 1 x Support (Agent) have been received and have been published to the website at:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=230457&search-term=230457

1. Ms Anne Haywood. Hopyard Cottage, Old Church Road

The letters raise concerns relating to:

Email 15/7 (19:36)

Hopyard Cottage is situated on the Western flank of the PDS (not the Eastern as stated in my previous email.)

I also understand that there will be no sewage discharged into these SuDs.

However, we still are extremely concerned about the fact that Hopyard is at a lower ground level on all boundaries with the PDS and that there is no clear adequate plan in place to deal with both the extra surface water or the sewage which will be generated by the proposed development.

Email 15/7 at 12:09

For many reasons, we believe that the application 230457 should be refused.

However, if HC Planning Committee is minded to pass this application, we ask that it not be passed without a definitive and workable solution/plan from Severn Trent to deal with the Sewage and Surface/Storm water runoff.

We, the owners of Hopyard Cottage, the sole property sited on the Eastern boundary of the PDS, strongly object to the siting of the SuDs as laid out in the existing application submitted.

Chloe Smart had kindly attended Hopyard Cottage last year - partly with reference to the danger of the increased surface water "runoff" and possible subsequent flooding

across our Northern boundary. Hopyard Cottage property sits an average of 1 metre below the PDS. She was able to identify our concerns.

However, until we read HC's Planning report of last week, we did not realise that the SuDs are proposed to be used for sewage storage as well as Surface/storm water "runoff" and will sit at a ground level above that of Hopyard Cottage.

We must point out that the current plan shows the Suds sited just to our Southern boundary. In fact the closest SuD will sit **within 5 metres** of our Sitting Room windows. We will look directly onto them and be subject to the associated smells, and any overflow or seepage.

It cannot be acceptable to site a SuD so close to a residential property and I have requested a site specific inspection in this matter.

Hence, we ask that HC Planning Committee do not grant permission without a workable and acceptable plan from Severn Trent to deal with this acute problem.

Email 12/7 (19:02) – Sent to Members

1. Surface/storm water "runoff" from the Proposed Development Site (PDS).

2. Proximity of the SuDs to the existing property - Hopyard Cottage, WR13 6EZ

1. As the owners of Hopyard Cottage, we wish to draw particular attention to the increased possibility that our property could flood as a result of the proposed development.

Hopyard Cottage is the sole property bordering the Western side of the PDS and sits an average of 1 metre below the level of the PDS at that boundary.

At present the "runoff" from the PDS flows along the culvert (mentioned in your report), passes west along Hopyard's Northern boundary (next to our garage and driveway), across the Track (which runs between Old Church Road to the S.W. Corner of the PDS and the Ice House) and discharges into the field beyond to the West.

(See location of Hopyard in - "Figure 2: EA Surface Water Flood Risk Mapping,

May 23" – Page 36 of your latest report)

After rain, its route can be clearly seen. It forms a substantial pool next to our driveway and then pools onto the track and can be clearly seen pooling in the field beyond.

I have previously raised these concerns with HCP and have attached the relevant photos to this email.

Up to the present, there is no history of flooding at Hopyard Cottage. However, once the site is developed, the additional "runoff" generated by the amount of hard standing will increase considerably and increase the risk that the property at Hopyard will flood.

Your latest report acknowledges our concerns but does nothing to alleviate them. The solutions proposed are vague and inadequate to say the least. Full consideration has not been given to the flood risk posed by the surface water flow route.

We therefore ask for a site specific flood appraisal with direct relevance to the effects on the property at Hopyard Cottage as required by the National Planning Policy Framework.

(See P 82 of your latest report).

2. We are also extremely concerned that the third SuD is to be located at our Southern boundary within 5 metres of our living room windows and will sit at a higher ground level. In fact, all 3 SuDs appear to be situated too close.

Smells, overflow or seepage will come directly to us!

This is an unacceptably short distance from a residential property, let alone the opening windows of a living room.

Also the SuDs should logically sit at a lower ground level to the surrounding properties?

How can this ever have been considered acceptable?

We also ask for a site specific appraisal in this instance.

We propose that Planning Permission be refused for many reasons but particularly in view of the major unresolved issues as stated in this document.

Photographs attached:

Pond created by storm water on north side Hopyard Cottage

2. **Letter from Mr Chris Walker (also sent to Members direct 15/7/24) with appendices**.

- Landmark Chambers Presentation - Engaging the sequential test: practical lessons
- High Court Judgement – Substation Action Save East Suffolk Limited and SoS for Business Energy and industrial Strategy

These have been published to the website:

Whilst you will be aware that the application has been the subject to a significant level of objections, I am concerned that the application has failed to be considered based upon the **Sequential Test and Exception Test** applicable under paragraph 167 which states that;

"All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property…"

Whilst the Herefordshire Core Strategy was subject to strategic level flood risk assessment, this is not the case for the Colwall Neighbourhood Plan. The Neighbourhood Plan was prepared with reference to landscape and heritage based background evidence, however at no stage was the plan prepared based upon an analysis of the proposed allocations risk to surface water or fluvial flooding.

As a consequence Colwall Neighbourhood Plan was not prepared in accordance with the requirements of paragraph 167 of NPPF.

Whilst the land at Old Church Road remains an allocation within the Neighbourhood Plan, the current planning application P230457/F needs to be considered based upon the requirements of paragraph 168 and 169 of the NPPF which advise that;

"168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding."

A similar position was considered under Case No AC-2023-LON-002327 Mead Realisation v *Secretary of State for Levelling Up, Housing and Communities.* This case is with regard to a challenge brought forward by the developer Mead Realisations against the dismissal of an appeal by the Inspector (appeal reference APP/D0121/W/22/3313624) following refusal of an application by the Council on the basis that a speculative application had not been subject to a Sequential Approach.

In this case Justice Holgate sets out at paragraph 2 that;

"In AC-2023-LON-002327 Mead Realisations Limited ("Mead") brings a challenge under s.288 of the Town and Country Planning Act 1990 ("TCPA 1990") to the decision of the Inspector on behalf of the first defendant, the Secretary of State for Levelling Up, Housing and Communities, dated 20 June 2023 dismissing its appeal against the refusal by the second defendant, North Somerset Council ("NSC"), of an application for planning permission for residential development of up to 75 dwellings at Lynchmead Farm, Ebdon Road, Wick Street, Lawrence, Weston-Super-Mare ("the Lynchmead decision")."

At paragraph 101 of the judgement, Justice Holgate sets out that;

"It is common ground that when a development plan is being prepared, the sequential test is applied in the context of policies aimed at meeting the housing, employment and other development needs of the local authority's area, or other relevant "catchment" (see also para. 026 of the PPG). Paragraph 166 of the NPPF states that where an application is made for development on a site allocated in a development plan which satisfied the sequential test, that test does not have to be applied again. Where in other cases a sequential test is being carried out for the first time in relation to an application THE HON. MR JUSTICE HOLGATE Approved Judgment (1) Mead Realisations Ltd v SoS LUHC (2) Redrow Homes Ltd v SoS LUHC 23 site, I see no logical reason why the issue of need should be treated as wholly irrelevant to that assessment as Mr. Flanagan suggested. In addition, para. 027 of the PPG suggests that the relevant catchment area or area of search for some types of development will be affected by need considerations. On that basis, I do not see why all considerations of need must be excluded when considering the "appropriateness" of alternatives.

The case was dismissed and the findings of the Inspector with regard for the need for a sequential analysis of the site at planning application stage was upheld.

In the context of the current planning application 230457/F, the land at Old Church Road has not been the subject of a strategic level sequential approach. In addition, the application site, which is identified as being subject to surface water flooding within the applicants Flood Risk Assessment, has not been subject to a sequential assessment that has taken into account the availability of alternative sites that could be brought forward for development and which may be not at risk of surface water flooding.

As a result, it is requested that the application be refused on the basis that the provisions of paragraph 166 and 168 of the NPPF

3. (Adrian Mealing) The Croft, Old Church Road, Colwall
Colwall Revised NDP Group (Also sent to Planning Committee Members 14/7/24)

Thank you for considering our objections at the meeting on Wed 17 July'24.

Grovesend Farm site, looking eastwards towards the Malvern Hills

Colwall is keen to support HC's drive for new housing on appropriate land - predominantly brown and grey sites - and housing which is prioritised by a Local Housing Needs Survey to be undertaken shortly. We anticipate this will emphasise small, affordable homes for young families and not homes which are largely unaffordable to local workers and to young people starting out who want to live where they've grown up with family support around them.

Extraordinarily, none of the Neighbourhood Plan (NDP) Consultation sessions or papers identified that the application site, in addition to Conservation Area and AONB status, was also an important open space in the Council's own adopted **Conservation Area Character Assessment** (24 Aug 2001).

Grovesend's **Character Assessment & Heritage Asset** was not highlighted or communicated by the local or county councils during the numerous processes including the NDP.

Since 2011, Mill Lane - now included in HC's 2024 Emerging Local Plan draft for Colwall's development, we note - was the housing site favoured by the community in the consultations for the NDP and the site overwhelmingly preferred by the village and HC (SHLAA[1]) & CPC since the get go. Herefordshire Planning officers clearly state in their 2015 strategic land assessment that Mill Lane was suitable for development and Grovesend Farm was not.

Grovesend is not 'ugly Greenbelt'. It is within clear view of British Camp, one of the country's finest Heritage Assets.

Polls and NDP consultations conducted in the village, 2015-2023, consistently record 90%+ of the village against development on Grovesend and 90% in favour of development on Mill Lane. We can re-supply these figures to the Planning Officer.

For reasons genuinely unfathomable to the village, CPC suddenly switched its preferred site in 2018 from Mill Lane to Grovesend without community consultation. CPC later

1 HC's Strategic Housing Land Availability Assessment – Which also ruled Grovesend Field unsuitable due to access.

suggested that its landscape surveyor opted for Grovesend over Mill Lane; either way, we know that landscape considerations are not the only criterion, a point confirmed below by **HC's Claire Ward, Director of Governance & Law (15.12.21).** We have grave concerns as to why the landscape assessment was changed and given undue weight in the face of other factors.

> *'Colwall Parish Council focused on landscape issues. Herefordshire council officers raised with them that other planning grounds should be taken into the planning balance but they decided to focus on landscape as the primary factor...'*

The inclusion of Grovesend in Colwall's NDP surprised & infuriated the village when its location & status & protections under planning law became clear. I say this because the **Character Assessment** referred to above only emerged AFTER the NDP had been 'made' and officers of Herefordshire Council are on record as saying no such document existed. This despite a copy being sourced by our group in 2018.

The Opinion of Counsel obtained by the community sets out potential grounds for legal challenge of any decision to approve this development.

Localism in Colwall has taken a hammering. The 2023 Parish Poll brought out 504 voters on a non-election day, of which 92% voted down the main product of what purported to be 'their' neighbourhood plan; the application before you.

The credibility of Colwall PC is at a low ebb as many of its members (most of whom have never competed for a vote) are utterly dismissive of the consistent & overwhelming opposition to Grovesend development since 2015 when it was suggested as a site for the new primary school (now built at Mill Lane). You are aware of the large number of representations - **2 for the application, 342 against** - objections not limited to those affected but indignation as to what this application represents in terms of harm to the environment and disrespect to the community.

Given all the above factors plus the unresolved issues of …

- vehicle access along a narrow country lane
- the increased danger to pedestrians, horses & riders, cyclists on Old Church Road
- the non-deliverability of cycle & pedestrian access into the centre of the village, despite this being a requirement of several previous editions of the NDP but now ignored or dismissed as irrelevant in the current application – a recent, odd change of attitude by those few who prepared the NDP. There is no separate safe, navigable & accessible footpath or cycle route into the village
- STW's inadequate sewerage infrastructure, with high levels of sewage dumps to local watercourses
- lack of a workable solution from STW to the problem of additional ground & storm water run-off which will be created
- new ground water legislation

… we trust you will reject the Grovesend application and allow the village & Colwall PC together to revise the NDP and undertake a Local Housing Needs Survey to underpin location & appropriate types of housing.

Please support the community of Colwall and say NO.

4. Paul Evans, 5 Stone Close, Colwall
Email sent to Councillors 13/7/24 (09:51)

There is a simple theory that applications for full planning permission should be in a form that would allow the local planning authority to make its decision.

There are sensible opportunities for an applicant to have discussions with the LPA before the application is submitted. There are further opportunities for discussions post-application to address any fresh issues raised and to make alterations to the application. Over a period of around two years Herefordshire's planners have worked constructively with the Applicant which has, to some extent, taken appropriate advantage of those opportunities.

Finally, it is possible to grant permission subject to conditions to deal with secondary issues. That is not what is suggested here. The Planning Officer has recommended approval of this highly controversial application, subject to 11 pages of conditions. Many of those conditions are fundamental to the acceptability of the whole scheme. For example,

- The last advice supplied by Severn Trent Water's consultants concluded that the development would be likely to cause flooding and pollution. STW is ignoring freedom of information requests to disclose information held by it, but has stated that it continues to be concerned about this application and is currently processing the results of its latest investigations. We know that STW is already dumping raw sewage into the Cradley Brook on a regular basis and Old Colwall was left ankle deep in sewage earlier this year because of a pipeline failure. Does anyone believe it is right to permit this development to exacerbate these problems? And does anyone really believe that STW will resolve capacity problems in both the pipelines and the treatment works at Colwall, within three years?

- We have yet to see a detailed plan for works proposed for Old Church Road, including the extent to which it will require damage to the hedgerows (noted as important in the Conservation Area Character Statement), whether that can be done within the adopted highway, and whether account has been taken of the effect of regular regrowth on the already substandard width of the proposed pavement. This is not a new problem. Why is it still outstanding 16 months after the application was submitted?

- The application proposes the creation of substantial areas of amenity space, including some requiring specialist maintenance, but has failed to show how those areas would be maintained in future. It would be expensive and of very little value to the rest of the Village, and Colwall Parish Council has refused to take it over. The Applicant is a subsidiary of Bellway Housing, a major development company with substantial experience of this issue. Why has it failed to offer a substantive option?

- The Applicant offered a sadly deficient ecological survey eg denying the existence there of Great Crested Newts until we proved them wrong, failing to spot clear evidence that the field is used as an important wildlife corridor by badgers and several other protected species, failing to consult available records and consequently concluding that the area is "of low wildlife interest". Having been proved wrong, the Applicant has had ample opportunity to provide proposals for the protection of ecology, including the reinstatement of a crucial wildlife corridor. It has not done so. Again, why?

As it stands, the plan would damage the Conservation Area and ecology, result in the provision of sub-standard pedestrian access and in the probability of more pollution and flooding. The Applicant has either been unable or unwilling to offer substantive solutions to those and other problems. There is a clear and much better alternative which is supported overwhelmingly by Villagers, but two arguments are offered in support of this plan; the Colwall NDP and public benefit.

This “flagship” element of the NDP has proved to be a disaster. It was arrived at using a method that conflicted with common law and advice from the government, both of CPC’s professional advisers and Herefordshire Council’s planners, and with repeated and overwhelming expressions of local opinion. It has united Villagers in opposition to elements of CPC’s grim determination to secure the building of a new housing estate in Colwall’s Conservation Area instead of where everyone else wants it to go. Explanations given by CPC do not stand up to scrutiny. Nevertheless, the NDP exists and HC has to decide what weight to give to it, if any.

That task has been simplified by the fact that the NDP specified conditions precedent to development on Grovesend Field, relating to pedestrian access and protection of the Conservation Area, heritage assets and ecology etc. None of those conditions is satisfied by the application and so no significant weight should be attached to the inclusion of the site in the NDP.

It is claimed that damage caused by the development would be outweighed by the provision of much needed affordable housing. In fact the opposite is true. But for the NDP, affordable homes on Mill Lane would almost certainly be ready for occupation by now. Even if planning permission is granted now it would be several years (if ever) before construction work could proceed at Grovesend. The relative isolation of the site would also limit its suitability for non-car users. Meanwhile, development at Mill Lane is blighted by this application.

My concern is that if approval is granted as proposed then the already hard-pressed planning officers will be subject to a “war of attrition” to accept watered down versions of what is needed, in a process taking place out of the public gaze. The site is a comparatively expensive one to develop. Once permission is granted, shall we find that the Applicant claims to be unable to afford S106 contributions, or to continue with plans for affordable housing, or to be able to fund future maintenance costs for the amenity land or a wildlife corridor? If ever there was a need for the sunlight of open involvement of the democratic process, this is it.

Despite some 16 months of constructive work by HC staff, the application is seriously deficient in many respects. Some of those deficiencies might be remedied (if the Applicant is prepared to pay for them) but others might not. At the end of the day, it is for the Applicant to offer a plan which is suitable for approval. As it stands this plan simply is not in a state that admits of a fully informed decision. It should be rejected to open the way for more suitable development on Mill Lane.

If the Applicant believes that it is willing and able to remedy the existing defects, a fresh application might be made. That would enable the plan and proposed solutions to its many current problems to be considered as a whole, warts and all!

5. Letter from Planning Agent (Elizabeth Bloomfield, Pegasus Group) to Planning Committee Councillors (16/7 – 16:06)

I hope you don’t mind me approaching you direct in relation to this planning application, which will be considered at tomorrow’s Planning Committee.

As you know, Officers have prepared a comprehensive assessment of the application in the Committee Report, following a thorough review of all planning considerations. However, there is a lot to consider, so I wanted to take the opportunity to summarise key points from my point of view. I’m sure others will be approaching you too.

I am the planning consultant acting on behalf of the applicant on this application and I have to say that this is the type of development project a planner is pleased to work on.

We are all aware of the need to deliver housing, and most people know someone who would love to purchase their own home, but is not in a position to do so. Most people are not against housing delivery in principle; and those who are generally in support of a proposal, and have no issues to raise, tend not to comment on planning applications.

Understandably, however, people worry about what change development could bring if it is near where they live.

There is always a discussion about where is the right place to deliver housing, and whether it may be anywhere other than the application site currently being considered.

Development is intended to be plan-led, meaning that sites which are considered suitable in the local development plan **are** those which have been determined to be the right sites to accommodate the housing we need. Of course, not everyone will always agree, particularly if they consider themselves directly impacted by such a proposal.

This site has been allocated to deliver housing in the local development plan, which confirms the acceptability of development of the site to provide housing in principle. The decision to allocate the site followed due consideration of heritage and AONB sensitivities, as acknowledged and accepted by the independent Inspector appointed to examine the plan process.

As a result, your Council is counting the delivery of housing on this site to count towards your housing land supply figure. Delivery of any housing has the potential to assist those at all price ranges, as it facilitates movement in the market which potentially releases 'entry-level' housing.

Beyond the principle of development, there are a number of specific policy requirements that housing development proposed on this site is required to meet, unless there are good planning reasons which justify otherwise.

This proposal is policy compliant:

- The housing has been carefully designed, with due regard to the specific AONB guidance and heritage advice.
- Substantial areas of open space are included, in line with those identified in the allocation.
- In line with policy, it will provide a mix of housing types and sizes, comprising 15 x 2-bed houses; 13 x 3-bed houses; and 8 x 4-bed houses, at a density of 16 dwellings per hectare. 7 of the dwellings will be bungalows and no buildings exceed 2-storeys in height.
- **It provides a policy compliant amount and mix of affordable housing.**
- Existing boundary vegetation will be retained and enhanced (including the protected tree at the northern boundary), except where required for access, which is in the location specified in the allocation policy.
- The proposal will deliver a safe pedestrian link to the amenities and facilities of Colwall, as required by the allocation.
- Key views are retained, and the application is supported by a technical Landscape Visual Impact Assessment, which confirms that the development will assimilate very well into the existing settlement pattern.
- A full assessment of impacts on heritage assets, including the Colwall Conservation Area, have been considered in the submission documentation; and by the Conservation Officer and Planning Officer, who all agree that the proposal meets the relevant policy requirements.
- Ecological habitats will be enhanced.
- The drainage strategy will improve the existing uncontrolled drainage conditions on-site by the installation of sustainable drainage features designed to manage the collection, retention and slow release of surface

water. In discussion with the Council's drainage engineers, further survey work on an existing storm drain was carried out to ascertain its condition, which was confirmed to be poor and essentially currently not functioning. This will be replaced and diverted within the site as part of the proposals.

- In terms of foul drainage, the proposal includes a suitable system to connect to the public sewer, which is appropriate for adoption by the water authority. It is entirely the water body's responsibility to ensure capacity in the public system to accommodate development which is allocated in the development plan. A pre-commencement condition is proposed to ensure there is further opportunity to consider the drainage strategy prior to any development starting on-site.

We understand neighbours' concerns about change in an area they choose to make their home; but we trust that a balanced decision will be made, with due regard to your Officers' assessment of the relevant issues to be considered in our plan-led system which is designed to deliver the housing we need in an appropriate way.

Please don't hesitate to contact me if you do have any queries we may be able to assist with.

OFFICER COMMENTS

In response to the above comments.

Officers would draw your attention to Flood Risk Assessment and drainage strategy that has been submitted with the application.
https://myaccount.herefordshire.gov.uk/documents?id=d2ef6b06-3781-11ef-9081-005056ab11cd

This, and other superseded documents have been carefully considered and approsised during the course of the application, taking into account concerns raised locally.

The detailed comments of the Drainage Consultant have been included in the officers report and I would draw your attention to paragraphs 6.124 – 6.141 that carefully consider matters relating to drainage and flood risk on the site in relation to the Local Plan policies and National Planning Policy Framework and guidance.

Turning to the specific matter of the requirement for a sequential test to have been undertaken at plan making stage, I have briefly reviewed the documents that were included as part of the plan making stages and can see that flood risk as a constraint did form a part of the considerations in relation to site selection. (2019 NPPF at time)

https://www.herefordshire.gov.uk/directory-record/3046/colwall-neighbourhood-development-plan

I would refer you to the Made Colwall NDP paragraph 6.0.9 in the section that advises on the strategy used to determine the Proposed Settlement Boundary:

> *At the same time a Capacity Table was developed which graded the potential sites in order of their ability to accept development, in landscape terms. The table was then populated with the other constraints, including whether the landowner wished to develop in the Plan period, and taking account of technical constraints such as access, flood risk and impacts on built and natural heritage assets*

Notwithstanding this, as directed by paragraph 173 of the NPPF 2023 a site specific Flood Risk Assessment was undertaken. I would refer Councillors to the submitted reports and the committee report as above.

In respect of other matters raised, these are matters that have been raised previously and have been considered in the writing of the report and in making the recommendation.

NO CHANGE TO RECOMMENDATION

214539 - PROPOSED RESIDENTIAL DEVELOPMENT OF FIVE DWELLINGHOUSES WITH ASSOCIATED VEHICLE ACCESS FROM C1059 TOGETHER WITH DRAINAGE INFRASTRUCTURE AND PLANTING AT LAND ADJACENT C1059, HATFIELD, LEOMINSTER, HR6 0SG

For: Mr Andrews per Mr D F Baume, Little Dinmore, Burford, WR15 8HR

UPDATES

1. **Updated Ecology Report**

   An updated Ecology Report has been received. This is awaiting review by the Council's Ecology Team. The officer recommendation has therefore been updated as follows, to reflect this.

   That subject to the acceptability of the updated, planning permission be granted subject to the following conditions and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included.

2. **Additional representation (objection)**

   Since the publication of the Officer Report, 1no. further representation has been received; -

   I am now writing to you regarding a residential planning application in the village of Hatfield, where I live, where the interpretation of the Core Strategy by the Herefordshire Planning Office has raised significant local concern and residents have asked me to write to you as Leader of the Council to ask for clarification of planning policy for smaller rural settlements in Herefordshire as there would appear to be wider implications for housing development that the public should, I believe, be informed of. This application has gone on for over 2 ½ years now and after a number of requests from our ward Councilors going back to 2022 this application has now been referred to Planning Committee but with a recommendation to approve from the planning officer(s) concerned. This meeting will now take place on Wednesday 17th July 2024 at 10am next week.

   What is deeply troubling for residents regarding this planning application is that in the absence of a neighbourhood development plan (NDP), the interpretation of the Core Strategy, in regard to smaller rural settlements, would appear to be biased towards development and largely at the discretion of the officers concerned and, in this case, seems contrary to many of the policy's contained therein. It is unclear what is driving this, but I can only assume there was pressure on planning officers to clear a backlog in development coming forward due to the cancelling of the Hereford bypass previously and the problems of phosphates in the Wye. It seems one of the unintended consequences is now pressure from speculative developers to get planning for as many houses as possible in rural Herefordshire especially where no neighbourhood plan exists as it may be easier to get these approved despite any local opposition or other legitimate concerns. This, I expect, is not what people would expect our Council to endorse. We believe the interpretation of the Core Strategy should be fair to all parties and as residents we do not feel this has so far been the

case. By way of background, I would like to outline the unusual circumstances of this case which may point to a wider problem within planning policy. Specifically

1. *Hatfield is classed as a smaller rural settlement under policy RA2 Section 4.4.22 and listed under table 4.15 as Rural Areas Sites Allocation (RASA) and as such additional considerations should be given regarding development. Specifically, it says 'proposals will be expected to demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement ..." Also, the Rural Housing background paper (2013 pages 12 and 13) indicates that proportionate development should be restricted to market homes which meet the needs of people with local connections. The application is for 5 residential homes on existing farmland on what local residents, and indeed planning officers involved in the preparation of the Strategic Housing Land Availability Assessment (SHLAA 2019), consider to be outside the natural village boundary. To quote the planning officers involved in the SHLAA 2019 and published on the council's own web site it says that the site has* ***'no potential for development'*** *as it is* ***'distinctly outside the village settlement'*** *and* ***' the site is visually and physically disconnected from the village****'. The SHLAA is an evidence-based document to inform plan making and* ***decision taking****. The SHLAA would clearly suggest the proposed site is not in keeping with the settlement form and should carry material importance to any decision. However, it appears that this earlier view of planning officers who prepared the SHLAA is to be simply ignored by current officers who have come to a completely different view. We do not understand why.*

2. *The proposed form and layout (5 brick-built dwellings to include two semi-detached two story dwellings) is also not in keeping with the form, layout and character of the settlement. Existing settlement is a mix of former farm houses, stone built cottages and half-timbered buildings. There are no semi-detached two storey houses in the locality nor any developments of this form, size or density. Again, this is ignored in the current planning recommendation to committee.*

3. *RA2 also states any development should be proportionate to the existing settlement form. The adjacent settlement form referred to in the original pre planning advice consists of only some 11 dwellings. 8 additional new dwellings have already developed with another to follow in the last 3 years by re-purposing the original farm buildings at Common Farm adjacent to the proposed development site on the same original farmland. These together with three more new dwellings to the west of the village, all in the last 3 years, already represents considerable development within Hatfield with only some 24 houses along the 1 mile of road. When I asked the planning office for a definition of what is proportionate, I am told there is none as it is a 'planning judgement' so it seems there is no limit to how much development can take place on smaller rural settlements in Herefordshire. The Core strategy identifies only 15% growth target from 2011-2031 for the area so Hatfield has already experienced more than double this growth with recent development just in the last few years.*

4. *The Hatfield District and indeed the wider Bromyard Housing Market Area (HMA) are already well ahead on housing delivery. Bromyard HMA has already exceeded targets set for planning development by 2031 and the wider Hatfield, Puddleston and Docklow parishes have only 2 dwellings to deliver before 2031 so there is no requirement to simply keep building more housing in the area to meet wider targets for the county as a whole. More development of this size, form and number as proposed cannot be considered proportionate for rural hamlets.*

5. *The pre planning advice provided to the applicant (April 2021) was positive to development and this was justified on the grounds that there was a housing*

undersupply and hence policy 11D of the National Planning Policy Framework (NPPF) in favour of unfettered sustainable development applied. However, this has not been the case since July 2021 (application submitted in December 2021) and therefore justification in the pre planning advice is no longer valid. The pre application advice was given by the same officer who was subsequently appointed as Case Officer and whilst residents have no complaint regarding the professionalism or conduct of the Case Officer concerned it is clearly not best practice, in terms of due process, to appoint the same officer to both roles.

6. *The application has dragged on for an inordinate amount of time. It is now 2 ½ years since submission when Planning targets advise applications should be determined within 8 or 13 weeks from submission for minor or major developments respectively. The reasons appear to be issues experienced in satisfying Land drainage and Ecology resulting in the applicant increasing the development area from 0.52 ha to 1.23 ha just last January. This was to incorporate additional farmland to be used to re-site the sewage package treatment plant (there is no mains sewage in Hatfield) and an attenuation basin. The site as reported by the applicants' own representatives has very poor soil infiltration and the water table below the required 2m depth. It is located within the Red Zone of the River Lugg catchment Special Area of Conservation (SAC) so has struggled to satisfy requirements for sewage and surface water treatment as well as nutrient neutrality. Measurements of soil infiltration were only made in the months of July and August when the ground is at its driest and despite Expert Evidence in the form of a report provided by residents representatives questioning nutrient neutrality calculations (which were based on soils with good infiltration - which is not the case) and also why seasonal variations in the water table, proximity of effluent outflows to open ditches and surface water ponding in winter, were not considered. It appears that only the applicant's evidence has been accepted as factual despite known drainage issues with the site in winter. It also drains directly into historic woodland area with ponds that flow directly into the River Humber tributary's and on into the Lugg river SAC. Specific details of how the applicant will actually overcome concerns regarding drainage and effluent treatment are now simply deferred and approval recommended with conditions.*

7. *It is mentioned by the Case Officer that the site is considered a minor development however when we check the Town and Country Planning Order 2015, Article 2 , it states 'a major development' as defined in section (e) is one with ' development carried out on a site having an area of 1 hectare or more' . Again, when we query this, we are told it is the officers 'view' that it is a minor development so there does not appear to be a precise definition adopted by the council.*

8. *Hatfield is a very small hamlet of just a few houses arranged mainly in two clusters either end of the village with a few houses between, stretched along a mile or so as a ribbon development. There are extensive areas of potential infill (as identified in the SHLAA 2019) and other farm buildings that can be re-purposed for future development more sympathetic and in keeping with the hamlet. It seems illogical to extend the settlement form further and transpose a new 'urban style' housing development at the entrance to the hamlet. Policy RA2 section 4.2.22 of the Core Strategy and the National Planning Policy Framework (NPPF) indicate the importance of NOT promoting patterns of unsustainable development in rural areas. The hamlet is bounded by the 13th century Hatfield St Leonards Church in the west and my own property , Curates Cottage, dating to 1850 where there was originally an old Methodist church opposite I believe. This has formed the natural boundaries of the Hamlet for over 170 years. Why elongate it further as the current planning office wishes to do ?*

9. *Hatfield is located on a single-track road with few passing places and traffic, including farm vehicles, is already straining the road infrastructure. There are no amenities whatsoever in the hamlet save the church which holds services infrequently. It is an 8-mile round trip to the nearest village hall at Puddleston or local pub at Docklow. There are no bus services operating to the hamlet and it is a 14-mile round trip by vehicle to local shops in Bromyard, Leominster or Tenbury. The development does nothing to enhance local amenity.*

10. *Almost all local residents have objected to this planning application – 55 objectors in a very small community. The Hatfield Parish Council are also opposed to it. It is not that the community is against development as they have largely supported earlier developments close to the proposed site at Common Farm for conversion of old farm buildings into 9 new homes and an additional three new dwellings in the village already. Indeed the Parish Council recently supported an application which had been deemed outside the village boundary but was actually adjacent to the old schoolhouse within the natural boundary of the village so there seems no consistency in what one planning officers deems to be within the settlement boundary compared with another.*

I appreciate planning applications are always contentious but there are genuine concerns regarding how this application has progressed. The local opinion is that this is simply the wrong type of development of the wrong size and in the wrong location (as supported by planning officers who prepared the SHLAA) and which if it is approved by planning committee will have an irreversible impact on one of Herefordshire's more picturesque hamlets. People locally simply do not understand why planning would pursue such a policy contrary to earlier opinion given by other planning officers who prepared the SHLAA. There is simply no consistency, and the entire process seems to be determined by the opinion of just one officer.

We can only hope those Councillors on the Planning Committee have the time to study this application and arrive at what the residents hope will be a common-sense view and fair interpretation of the Core Strategy policies.

We would be grateful for clarification on what procedures are in place with checks and balances regarding interpretation of the Core planning strategy as it appears to be overtly subjective. It would also be helpful to have a better definition of what constitutes proportionate and appropriate development of smaller settlements in rural areas.

Many thanks

John

Officer Response: The comments have been examined, and they do not bring up any significant planning matters that were not already taken into account by officers in preparing the report.

3. Amendment to wording of Condition 5

With the exception of any site clearance and groundwork, no development shall take place details of the design of the proposed foul and surface water drainage arrangements 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; -

- Details of the size and siting of the proposed surface water attenuation features including outfall location;
- Details of the size and siting of the proposed foul water drainage mound feature;
- Relevant calculations where appropriate and;

- Management and maintenance schedules for all drainage infrastructure

The approved scheme shall be implemented before the first use occupation of any of the dwellings herby 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.

CHANGE TO RECOMMENDATION

That subject to the acceptability of the updated Ecology Report, planning permission be granted subject to the following conditions and any further conditions or variations thereof deemed necessary by the officers named in the scheme of delegation to officers shall be included.