

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

Date Received: 11 January 2019

**Ward: Bromyard West, Bishop's
Frome & Cradley**

**Grid Ref:
364400,254271**

Expiry Date: 24th November 2023

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

1. Site Description

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

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

2. Proposal

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

3. Policies

3.1 Herefordshire Local Plan – Core Strategy

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 (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 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. Planning History

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

Reasons;

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

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

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

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

Reasons;

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

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

Reasons;

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

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

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

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

Appeal Decision:

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

5. Consultations

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

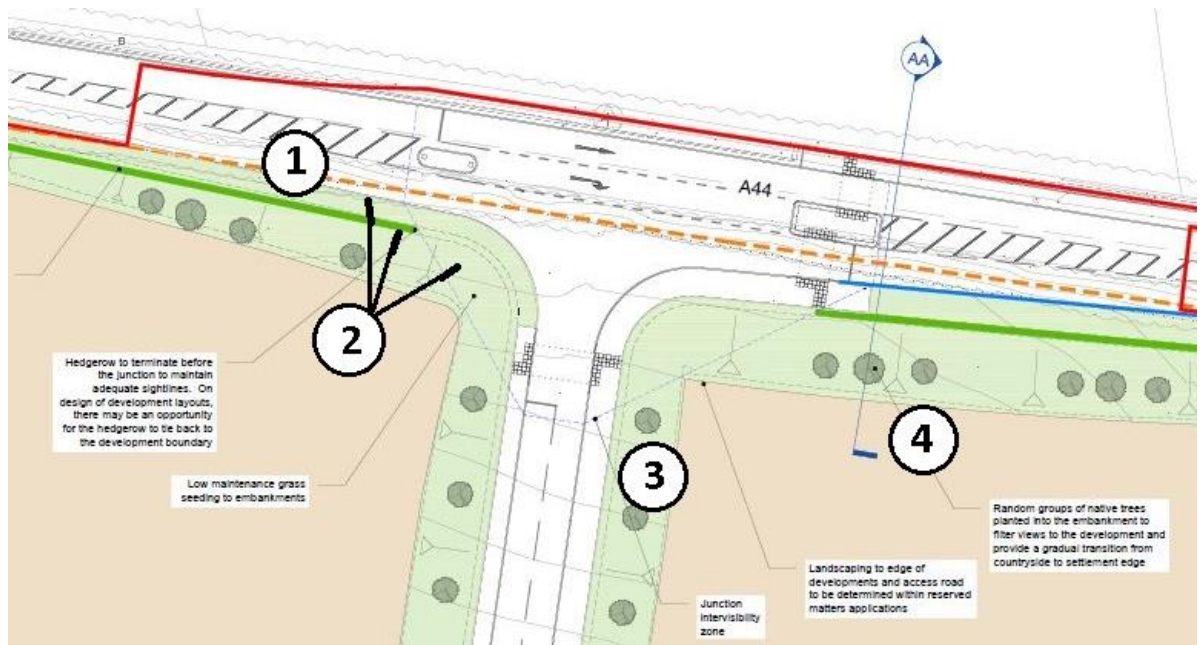
5.1.1 5/2/19 – no objection.

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

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

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

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



1. Hedgerow specification

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

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

2. Hedgerow and verge ground flora

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

3. Avenue trees and understorey

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

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

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

4. Tree character

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

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



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

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

Benefit of signalised intersection

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

Maintaining a landscape approach into Bromyard

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

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

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

Recommendation

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

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

Setting:

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

Historic References:

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

Impacts:

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

Visual Amenity:

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

Recommendations:

Footpaths and vegetation

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

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

Earthworks and context

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

Hard landscape and Levels

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

Loss of hedgerow and hedgerow trees

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

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

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

Lighting

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

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

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

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

5.3 HC Built and Natural Environment Team (Ecology)

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

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

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

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

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

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

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

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

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

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

Ecological Protection and Construction Environmental Management Plan

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

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

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

Supporting information: The CEMP should include consideration for all potential environmental effects and a helpful guide to all relevant considerations for a CEMP can be found at https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan

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

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

Nature Conservation – Biodiversity and Habitat Enhancement

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

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

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

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

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

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

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

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

CAE – Vehicular Access Construction

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

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

CAT – Construction Management Plan

CB3 – Travel Plan

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

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

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

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

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

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

Access Junction

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

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

Further comments on the junction proposals are detailed below:

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

A44 Pedestrian Facilities

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

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

Further comments include:

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

Panniers Lane Pedestrian Facilities

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

S106 Contributions

The following schemes could be considered:

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

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

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

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

5.5 HC Strategic Housing

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

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

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

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

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

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

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

5.6 HC Environmental Health (Noise and Nuisance)

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

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

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

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

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

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

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

5.7 HC Environmental Health (Air Quality) – comment;

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

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

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

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

5.8 HC Education – comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.9 HC Open Space Planning Officer – comment;

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

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

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

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

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

Facility and site hierarchy	Current Status	Recommended Actions	Priority	Timescales	Cost	Aim
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	Look to improve pitch quality with enhanced levels of maintenance. Explore the creation of additional provision on the site or removal of demand off in order to reduce overplay. If a WR complaint 3G is established in its locality look to transfer partial	M	M	L-M	Protect Enhance

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

	overplayed by four MES per week	demand off the site to the artificial surface in order to alleviate overplay.				
Tennis Clive Richards Sports Ground Sports Club Local Facility	Three disused macadam courts that have not been used for over a decade	If required explore opportunity to dedicate maintenance to bring disused courts back to use.	L	L	L	Protect
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

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

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	Sustain square quality with appropriate levels of maintenance. Explore the opportunity to resurface net facility	M	M	L-M	Protect Enhance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of projects:

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

- o Improvements to existing facility to meet identified deficiencies in existing provision which will enable growth in the sport, including club progression into junior and Sunday cricket.
- o Facilities development: 2 more pitches to the square and new net facility required to existing facility
- o Cost: £195,000
- Rugby:
 - o New natural turf pitches required: to address identified deficiencies for both seniors and training.
 - 155 x 80 Natural Turf pitch including initial maintenance costs required.
 - Improve drainage to existing pitches
 - o Cost: £231,000
 - o Extension and improvement of current clubhouse to facilitate growing membership
 - o Cost: 90,000

“Note: all project costs include development costs, contingency and maintenance costs x 15 years and are based on Sport England’s Facility Costs Kitbag as of 2Q2012/2Q2017 and associated maintenance costs or costs provided by the NGBs

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

5.10 BBLP Land Drainage – comment;

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

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

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

- A detailed surface water and foul water drainage strategy showing how surface water and foul water from the development will be disposed of and illustrating the location of key drainage features;
- Detailed drawings that demonstrate the inclusion of SuDS, location and size of key drainage features, pumping stations and outfall structures;
- Updated calculations of greenfield runoff rates using FEH methods;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an Including the 1 in 2 annual probability storm event, noting that 2013 FEH rainfall data is expected;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event noting that 2013 FEH rainfall data is expected;
- Updated calculations of proposed attenuation basin sizing, noting that 2013 FEH rainfall data is expected;

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

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111

5.11 Natural England – no objection;

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

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111

5.12 Dwr Cymru Welsh Water – comment;

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

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

With respect to the disposal of surface water flows from the proposed development, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority, Natural England and/or the Environment Agency. In the absence of these solutions addressed within the Hydraulic Modelling assessments we cannot support the development, if you are minded to grant planning permission

we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

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

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

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

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

Advisory Notes

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

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

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

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

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

Previous comments from Dwr Cymru Welsh Water relating to this application are accessible on the Herefordshire Council website via the following link; https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=190111

5.13 Wye Valley NHS Trust – comment;

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

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

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

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

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

5.14 Herefordshire and Worcestershire CCG

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

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

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

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

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

6. Community Representations

6.1 Bromyard Town Council – object;

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

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

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

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

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

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

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

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

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

The Committee's reasons are;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.2 Avenbury Parish Council – object;

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

The Council's reasons for objection are;

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

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

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

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

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

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

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

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

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

Sustainability

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

Housing supply

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

Access, highways and connectivity

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

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

Open-space

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

Ecology

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

Landscape

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

Drainage

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

Infrastructure

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

Nutrient Neutrality

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

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

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

Amenity

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

Other

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

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

7. Officer's Appraisal

Principle of development

- 7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 7.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy. The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 7.4 Herefordshire Council are able to demonstrate a 5 year housing land supply. Accordingly, this renders the housing supply policies as contained within the Core Strategy as being compliant with the principles as set out within the NPPF and therefore are up-to-date. They therefore attract full-weight for decision-taking purposes in terms of applying the presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF.
- 7.5 In accordance with the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 confirms that Hereford City, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable "where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community".

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

Landscape and visual impact

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

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

Access, highway safety and connectivity

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

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

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

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

7.32 In terms of pedestrian connectivity from the site to, and along Panniers Lane a new footway is proposed along the western side of Panniers Lane. The point of connection would be taken from the southeastern corner of the site, close to the junction of Panniers Lane and Pencombe Lane. The preferred option is to provide a continuous footway along the western side of Panniers Lane (**Figure 1**), linking to the footway at its junction with the A44. Taking account of considered land ownership issues along the western side of Panniers Lane, an alternative footway scheme has been proposed which provides a footway for half the length with an uncontrolled crossing at its terminus but with a toucan crossing opposite the opposite the pedestrian access point to the Queen Elizabeth High School.

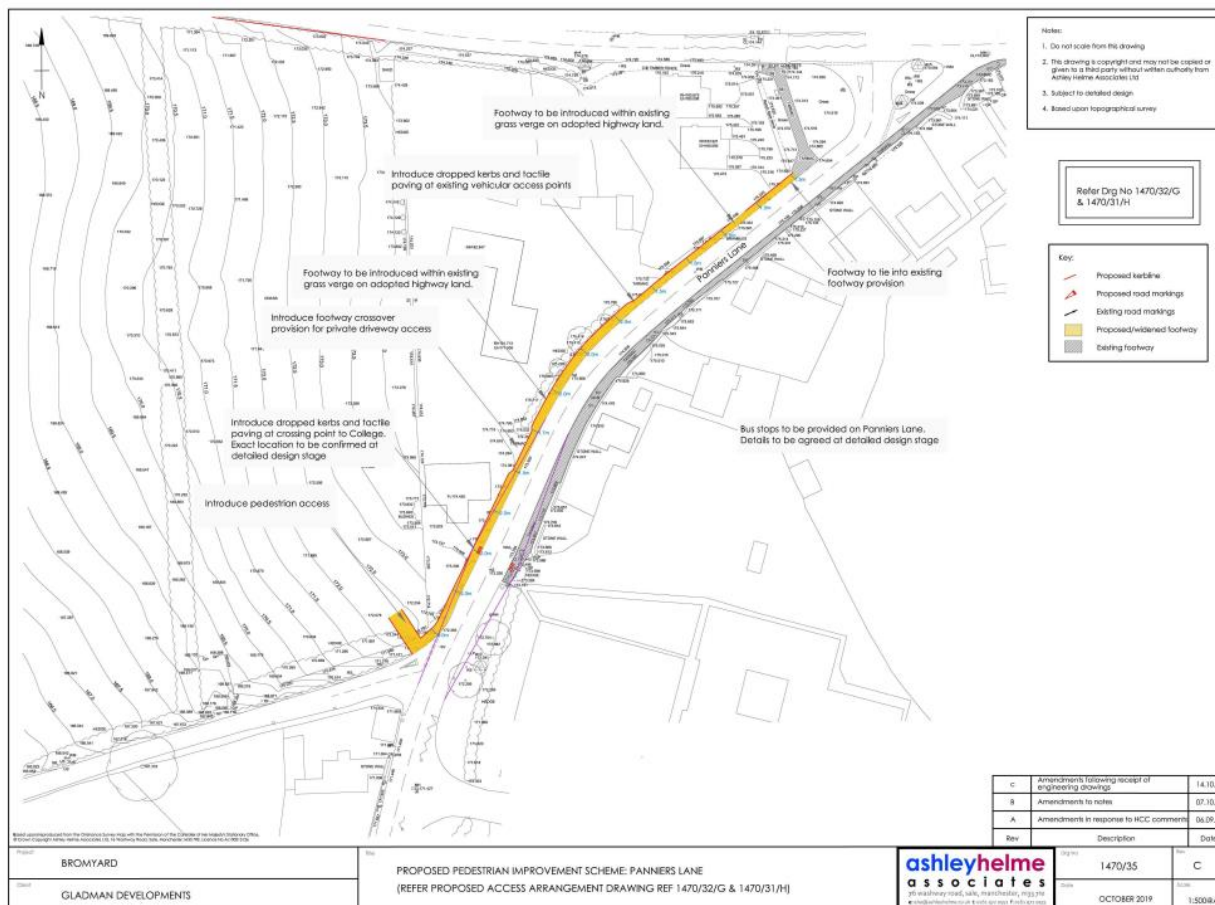


Figure 1 – Preferred pedestrian connectivity solution from east of site along Panniers Lane

7.33 In the full length preferred footway option, the width of the footway would be 2-metres for the first 90-metres, with the remaining 50-metres being 1.5-metres in width. The footway would provide an uncontrolled crossing point roughly opposite the pedestrian access point to the Queen Elizabeth High School, with details to be secured at the detailed design stage. The LHA have not raised any objection to the width of the footway here and both schemes have been subject to a Stage 1 Road Safety Audit (RSA). A Stage 2 RSA would be required at the detailed design stage (Section 278).

7.34 Although some concerns have been raised with respect to desire lines for pedestrians leaving the application site at its southeastern corner en-route to the Queen Elizabeth High School, officers would note that the approximate positioning of the crossing point is such which would provide a reasonable and appropriate route to the existing main pedestrian access to the school. It is closer than crossing the junction of the Panniers Lane/Pencombe Lane and accessing the school via the main vehicular access which serves the car-park. In any event, the Queen Elizabeth High School may implement their own policy with respect to entrance / exit arrangements for students. There are no existing footway or other provisions for pedestrians at the main vehicular access point and therefore it is not a conducive or otherwise attractive option in any case.

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

Public open space

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

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

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

Impact on residential amenity

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

Drainage and flooding

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

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

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

Ecology

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

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

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

Impact on the River Lugg / Wye Special Area of Conservation

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

Climate change

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

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

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

Affordable Housing / Housing Mix

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

Section 106 - Planning Contributions

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

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

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

Infrastructure	Quantum of contribution
Affordable Housing	40% of the residential units will be affordable dwellings intended for occupation as Social Rented and Intermediate tenure with local priority to Bromyard.
Hospital contribution	A financial contribution of £530.14 (index linked) per dwelling to provide the health care facilities required at Hereford County Hospital.
Healthcare contribution	A financial contribution of £268.67 (index linked) per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	A financial contribution of; <ul style="list-style-type: none"> • £7,629.00 (index linked) per 2 bedroom open market dwelling • £7,629.00 (index linked) per 3 bedroom open market dwelling • £13,816.00 (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.
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; <ul style="list-style-type: none"> • £2,458.00 (index linked) per 2 bedroom open market dwelling • £3,690.00 (index linked) per 3 bedroom open market dwelling • £4,917.00 (index linked) per 4 bedroom open market dwelling To provide any or all of the following transport infrastructure improvements; <ul style="list-style-type: none"> • Upgrade the uncontrolled crossing in Panniers Lane to a Toucan crossing if the Hardwick Bank site is built out as this would increase demand • Upgrade the uncontrolled pedestrian crossing at the site access junction with the A44 to a toucan crossing if the Hardwick Bank site is built out as cycle use at this crossing would increase

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

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

Conclusion

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

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

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

RECOMMENDATION

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

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

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

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

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

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

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

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

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

except where otherwise stipulated by conditions attached to this permission

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

Pre-commencement

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

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

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

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

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

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

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

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

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

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

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

- Detailed drawings that demonstrate the inclusion of SuDS, location and size of key drainage features, pumping stations and outfall structures;**
- Updated calculations of greenfield runoff rates using FEH methods;**
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an Including the 1 in 2 annual probability storm event, noting that 2013 FEH rainfall data is expected;**
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event noting that 2013 FEH rainfall data is expected;**
- Updated calculations of proposed attenuation basin sizing, noting that 2013 FEH rainfall data is expected;**
- Assessment of potential failure of above-ground attenuation features, including assessment of residual risks to downstream receptors, and proposed mitigation and management measures (if applicable);**
- Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas**
- Description and drawing demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;**

- Confirmation of agreement in principle of proposed adoption and maintenance arrangements for the surface water and foul water drainage system;
- Demonstration that appropriate access is available to maintain drainage features, including pumping stations;
- Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

Reason: To ensure the effective drainage facilities can provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy LD2, SD3 and SD4 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pre-occupancy or other stage

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

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

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

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

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

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

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

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

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

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

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

Compliance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

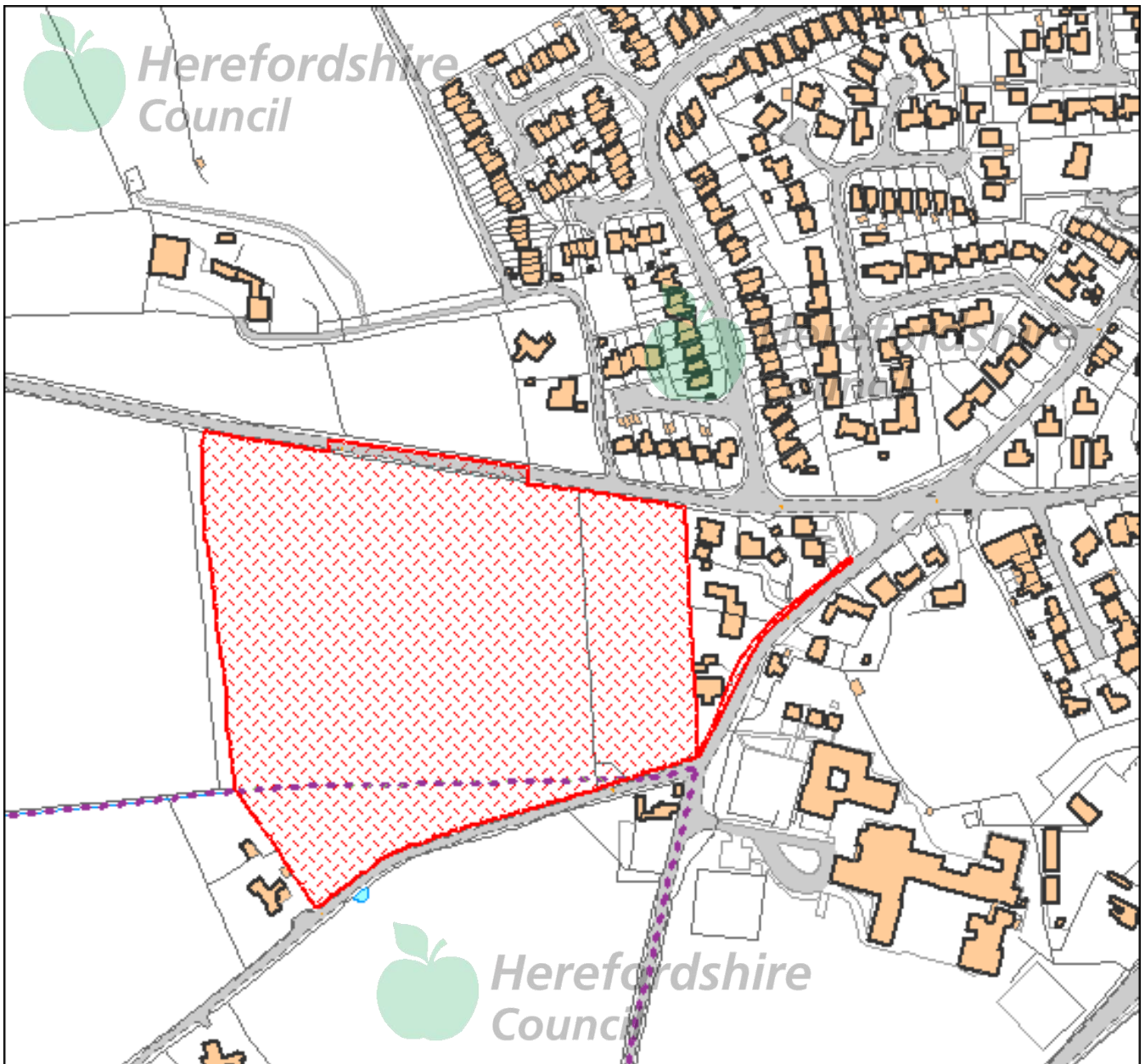
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 190111

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

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