

PLANNING COMMITTEE

Date: 17 JANUARY 2024

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

163932 - OUTLINE PLANNING APPLICATION FOR A SUSTAINABLE URBAN EXTENSION COMPRISING: UP-TO 250 DWELLINGS; OPEN SPACE, ALLOTMENTS AND LANDSCAPING; SCHOOL EXPANSION LAND; AREAS OF CHILDREN'S PLAY; SUSTAINABLE URBAN DRAINAGE INFRASTRUCTURE; INTERNAL ROADS; AND ASSOCIATED INFRASTRUCTURE. DETAILED APPROVAL IS SOUGHT FOR PRINCIPAL MEANS OF ACCESS AND LAYOUT WITH ALL OTHER MATTERS RESERVED AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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

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

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

ADDITIONAL CONSULTATION RESPONSES

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

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

OFFICER COMMENTS

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

Additional transport contributions for footway improvements along the A44;

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

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

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

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

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

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

Visibility splays

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

Updated list of relevant policies

Herefordshire Local Plan – Core Strategy

SS1	Presumption in favour of sustainable development
SS2	Delivering new homes
SS3	Releasing land for residential development
SS4	Movement and transportation
SS6	Environmental quality and local distinctiveness
BY1	Development in Bromyard
BY2	Land at Hardwick Bank
RA1	Rural housing distribution
RA2	Housing in settlements outside Hereford and the market towns
H1	Affordable housing – thresholds and targets
H3	Ensuring an appropriate range and mix of housing
OS1	Requirement for open space, sports and recreation facilities
OS2	Meeting open space, sports and recreation needs
MT1	Traffic management, highway safety and promoting active travel
LD1	Landscape and townscape
LD2	Biodiversity and Geodiversity
LD3	Green infrastructure
SD1	Sustainable design and energy efficiency
SD3	Sustainable water management and water resources
SD4	Water treatment and river water quality
ID1	Infrastructure delivery

Correction to Paragraph 7.26

Corrected to read as follows; -

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

Update / clarification to Paragraph 7.53

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

Update / clarification to Paragraph 7.99

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

UPDATE TO SECTION 106 DRAFT HEADS OF TERMS

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

Infrastructure	Quantum of contribution
Affordable Housing	40% of the residential units will be affordable dwellings intended for occupation as First Homes, Affordable Rented and Shared Ownership tenure with local priority to Bromyard.
Healthcare contribution	A financial contribution of £652.80 (index linked) per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	A financial contribution of; <ul style="list-style-type: none"> • £4,566.00 (index linked) per 2 bedroom open market dwelling • £4,566.00 (index linked) per 3 bedroom open market dwelling • £8,798.00 (index linked) per 4 bedroom open market dwelling to provide the education facilities at Bromyard Early

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

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

	<ul style="list-style-type: none"> • 0.46ha (2200sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.14ha (1,400sqm) should be formal children's play. (@ 0.25ha per 1000 population) to the value of £182,000.00 <p>The management and maintenance of any on site POS and allotments will be by two management companies which is demonstrably adequately self-funded or will be funded through on going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community.</p>
Phosphate credit purchase	<p>Purchase of phosphate credits to ensure that the development is phosphate neutral and will not adversely affect the catchment as a habitat site;</p> <ul style="list-style-type: none"> • 35.08kg = £491,120.00

Figure 1 – Updated Section 106 Draft Heads of Terms

CHANGES TO SCHEDULE OF CONDITIONS

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

Condition 36 (3-metre strip) – Removed.

NO CHANGE TO RECOMMENDATION