

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>17 JANUARY 2024</b>
<b>TITLE OF REPORT:</b>	<p><b>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,</b></p> <p><b>For: Vistry Homes Limited and Mosiac Estates per Russell Smith, McLoughlin Planning, 119 Promenade, Cheltenham, GL50 1NW</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&amp;search-term=163932">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&amp;search-term=163932</a>
<b>Reason Application submitted to Committee - Redirection</b>	

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

**Expiry Date: 30 November 2023**

Local Members: Cllr Clare Davies

## **1. SITE DESCRIPTION**

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

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

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

## 2. PROPOSAL

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

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

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



**Figure 1 – Composite Site Plan**

### **3. PLANNING POLICY**

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

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

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

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

### **4. HISTORY**

4.1 None relevant

### **5. CONSULTATION SUMMARY**

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

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

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163932](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932)

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

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

The updated ecological appraisal by The Environmental Dimension Partnership ref edp2364\_r009a dated December 2022 is noted and refers.

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

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

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

The overall 'Illustrative Ecological Masterplan' ref edp2364\_d047c dated 20th December 2022 provides a clear overview of the proposed areas to be retained and enhanced and additional new open space and natural-semi-natural greenspace and wildlife corridors that will be created across the final completed development.

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

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

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

Prior to each phase of the development and based on final layout and plans for homes approved a detailed scheme detailing locations and specifications for ‘hard’ habitat enhancements to be built into, or attached, to new dwellings such as at a minimum a meaningful provision of bat roosting bricks/boxes, bird boxes including provision for house sparrow and other species (as identified in ecological surveys) and details of hedgehog ‘highways’ through all impermeable boundary features (unless directing hedgehogs on to main distribution roads) should be supplied for approval by the LPA. It is anticipated that the majority of dwellings in each phase will be suitable to support some form of ‘hard’ habitat enhancement. Relevant condition required

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

Protected Species and Dark Skies (external illumination)

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

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

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

## 5.2 HC Built and Natural Environment Team (Open Spaces Planning Officer)

6/7/23 –

Open Space Evidence Bases: As part of the Core Strategy Review the following evidence bases have been updated and reviewed.

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

On site POS/Green Infrastructure:

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

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

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

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

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

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

- **CENTRAL POS**
  - This does not need to be a "formal park" as included in CS policy BY2 - the latest 2023 Open Space Assessment supports multifunctional open space.
  - Poor access into the central open space; there is no main entrance and other access points are just at the end of cul-de-sacs.
  - The access across Hardwick Lane is welcome.
  - There needs to be stronger planting proposals along the cul-de-sacs with positive entrances at the end – to sign post and welcome people into the central space.
  - The park frontage along the main spine road could be better designed, with less hedgerow enclosure, less parked cars and seek to relocate the sub-station – this corner is better suited to a public art sculpture as a focal park entrance
- **LARGE BALANCING POND**
  - Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.
  - The SuDs basin will have a maximum of 1:4 side slopes. This is supported as 1:3 is the minimum for health and safety of standing water if located in POS.
- **ALLOTMENTS**
  - the latest evidence base Open Space Assessment, Strategy and Action Plan 2023 indicates that:
  - With regard to the allotment provision:
    - Review the demand for allotments in Bromyard and develop a standard of provision based on this level of need.
  - Clarity should therefore be sought from the Bromyard Town Council, who own and maintain existing provision within the town.



- Location, topography and design also need to be considered. Facilities might be needed – fencing, sheds, access paths, water.
- COMMUNITY GARDEN -SITE ENTRANCE AREA FROM A44
  - The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required.
  - This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked.

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

Green spaces:

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

In principle green spaces should:

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

On-site Children's Play: Play provision is shown on Amended Illustrative Landscape Masterplan drawing no. edg2364\_d047c to be provided in accordance with area requirements for this size of scheme. It is distributed across the site to form linear features throughout the scheme enabling it to be more natural in places and incorporated as a series of spaces and linear routes around the site along with more formal central provision.

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

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

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

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

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

Condition CA6 is recommended if appropriate and the following informative.

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

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

A written scheme will be required detailing:

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Archery Club	improve its facility- for which potential S.106 monies are available	Bowmen to improve its facility				
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25/10/23 - I have reviewed the amended plans in discussion with the Council's Landscape Officer and issues with the detailed layout previously raised.

**CENTRAL POS:**

- It is noted that the area now provides opportunities for a multi-functional approach as recommended in the latest Core Strategy evidence bases for Green and Blue Infrastructure and Open Spaces which were completed 2023.
- It is noted that the access onto the central POS has been improved with the sub-station being moved (slightly) as to not be dominant feature to the access and a central access point and trees are now proposed. I would still welcome an "entrance feature" to this park.
- It is noted that the main pathways through the Central POS remain as grass cut. The applicant is reminded (as set out in the Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) to take account of:
  - Where ecologically appropriate ensure all-weather, good quality footpaths promote access through open spaces.
  - Provide routes within and through the site suitable for a variety of users
- Stronger planting proposals along the cul-de-sacs with positive entrances onto the central POS have not been considered and the plan looks to be little changed in this respect. Access to and from the POS should be equally considered as part of the wider GBI network and as recommended in Open Space Assessment, Strategy and Action Plan 2023 (Core Strategy Evidence base) which sets out a number of principals in support of the creation of greener tree lined routes to the central POS:
  - greenspaces should be considered as a fundamental part of the wider green and blue infrastructure network
  - new open spaces should be in locations that join up communities and provide connectivity between neighbourhoods
  - Active travel networks, including off-road paths and cycle routes should be prioritised
  - Opportunities to provide extension to tree canopy coverage should be considered
  - Provision of planting and landscape features for interest to provide a welcoming environment
- ALLOTMENTS: it is noted that allotments are still proposed. Has the applicant sought clarity from the Bromyard Town Council regarding demand, have they demonstrated the suitability of the location, topography etc to accommodate the requirements for allotments.
- COMMUNITY GARDEN: it is noted that the community garden has been relocated.
- LARGE BALANCING POND
  - Section drawings have been submitted showing the 1:3 slope requirement for health and safety
  - However, there are still concerns re: the 2.5 metre high retaining wall to the road side and the squeezed in play provision. It is appreciated that this area could provide an opportunity for natural play and form part of the play trail around the site, but health and safety issues need addressing including safety rail fencing and consideration to the proximity of the road.

5.3 HC Built and Natural Environment Team (Arboriculture)

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

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

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

Tree Condition:

Trees In accordance with plans

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

EDP - Arboricultural Impact Assessment - edp2364\_r012a

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

### 5.3.2 16/11/23 - Relevant Policies:

NPPF

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

Herefordshire Local Plan

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

LD3..... Identification and retention of existing green infrastructure corridors and linkages; including the protection of valued landscapes, trees hedgerows, woodlands.

..... Provisions of on-site green infrastructure; in particular proposals will be supported where this enhances the network.

.....integration with, and connection to, the surrounding green infrastructure network.

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

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

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

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

### 5.4 HC Built and Natural Environment Team (Landscape)

#### 5.4.1 25/10/23 –

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

- The large balancing pond at the north of the site shows a retaining wall 2.5m high. This will be particularly unattractive and does not work with the natural topography. No detail is provided in relation to a safety rail. A play feature is indicated nearby, now squashed in by visitor parking, the hard engineered edge of the drainage feature and the substation. This layout is not acceptable and needs to be addressed in more detail at this outline stage. The play feature could be moved.
- External works drawings show all hard surfaces as tarmac. This is dull and monotonous. Ideally some car park bays could be block paved and pedestrian paths could have paving slabs.
- At least some of the footpaths through the public open spaces must be hard surfaced, not just informal mown grass which are not suitable for all types of users (eg. Pushchairs and wheelchairs).
- It is disappointing that 'street trees' are provided within plots for private ownership, rather than within the streetscape itself to be maintained for the public benefit by a management company.
- There are no street frontage trees or garden hedges on the western side of the main spine road between plots 180 and 211.
- The pedestrian access and planting could be further improved along the cul-de-sacs that lead to the central POS.
- Planting details, specification and long term management plans will need to be provided at RM.

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

#### 5.4.2 5/7/23 –

##### NATIONAL PLANNING POLICY FRAMEWORK

- NPPF para 130 (b) *“are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”*
- NPPF para 130 (c) *“sympathetic to local character and history, including the surrounding built environment and landscape setting”.*
- NPPF para 130 (d) *“establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit”.*

##### HEREFORDSHIRE CORE STRATEGY ENVIRONMENTAL QUALITY POLICIES

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

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

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

#### OTHER GUIDANCE

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

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

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



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

- LARGE BALANCING POND – Section drawings are required to demonstrate how the layout works in real terms and to show the relationship between the housing and the water / planting / engineered banks.
- ALLOTMENTS – Clarify the need, working with the parish council, consider shading of buffer planting to the south and levels. Facilities might be needed – fencing, sheds, access paths, water.
- SITE ENTRANCE AREA FROM A44 – The Illustrative Landscape Masterplan shows attenuation basin on the east, whereas the engineering drawings show it on the west, with a lot of ground works required. This does not seem an appropriate location for a communal garden due to road noise, road safety and not well overlooked. This space should focus on aesthetics and biodiversity, rather than people use. Fruit tree planting is welcome but needs to take account of the levels. This will become the new gateway into Bromyard and should be designed as a holistic area, particularly consider enhancing the east and west hedgerows, with groups of new trees along the A44. Section drawings through this area would also be welcome, to demonstrate the design and visual impact in this important entrance zone that affects the setting of Bromyard.
- BLOCK PAVING – Is welcome from a landscape / street scene / place making point of view to define key points along the main road. However need 'buy in' from HC Highways team.

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

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

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

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

### 5.5.1 21/6/23 –

The application is an Outline planning application for a sustainable urban extension comprising: up-to 250 dwellings; open space, allotments and landscaping; school expansion land; areas of children's play; sustainable urban drainage infrastructure; internal roads and link road; and associated infrastructure. Detailed approval is sought for principal means of access, with all other matters reserved, at Hardwicke Bank Bromyard.

#### Policy and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England – Historic Environment Good Practise Advice in Planning – Note 3 The setting of Heritage Assets.

Historic England – Historic Environment Good Practise Advice in Planning – Note 2 Managing Significance in Decision-Taking in the Historic Environment.

National Planning Policy Framework

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

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

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

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

5.6 HC Built and Natural Environment Team (Archaeology)

5.6.1 3/10/23 – no further comments.

5.6.2 12/5/23 – no further comments.

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

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

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

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

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

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

5.7 HC Strategic Housing Team

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

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

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

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

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

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

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

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

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

I would look for local connection to Herefordshire.

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

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

5.8 HC Public Rights of Way Team

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

5.9 HC Waste and Recycling Team – comment; -

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

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

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

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

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

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

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

## 5.10 HC Minerals and Waste

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

### Resource Management

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

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

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

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

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

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

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

#### 5.11 HC Environmental Health Team (Noise)

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

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

#### Informative Note

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

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

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

#### Informative Notes

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

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

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

## 5.12 HC Environmental Health Team (Contaminated Land)

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

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

1. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
  - c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

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

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

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

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

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

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

#### Technical notes about the condition

1. I would also mention that the assessment is required to be undertaken in accordance with good practice guidance and needs to be carried out by a suitably competent person as defined within the National Planning Policy Framework.
2. And as a final technical point, we require all investigations of potentially contaminated sites to undertake asbestos sampling and analysis as a matter of routine and this should be included with any submission.

#### 5.13 Local Highway Authority (Area Engineer) – comment

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

#### *Access by Non-Car Modes*

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

#### *Cherry Tree Close Footway/Cycleway*

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

#### *Flaggoners Close Pedestrian Access*

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

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



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

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

#### Cycle Connections

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

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

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

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

#### *Public Transport*

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

### *Vehicular Access*

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

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

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

### *Internal Layout*

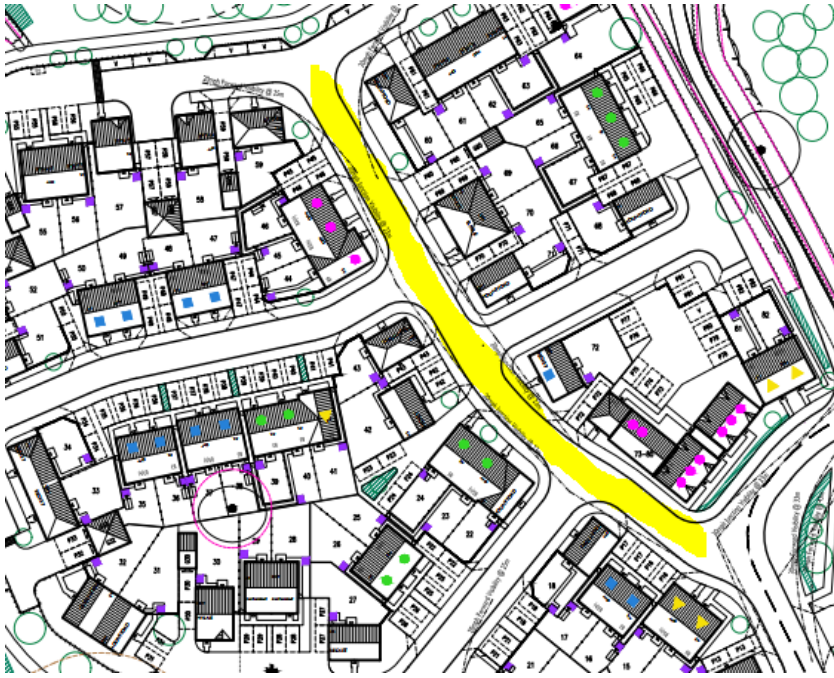
The internal layout is a matter for consider in this application as it is not a reserved matter. The site is based around a central spine road which is 6m in width with a 3m shared footway/cycleway along the southern/eastern side and a 2m footway on the opposite side. Further residential streets are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

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

### *Visibility Splays*

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

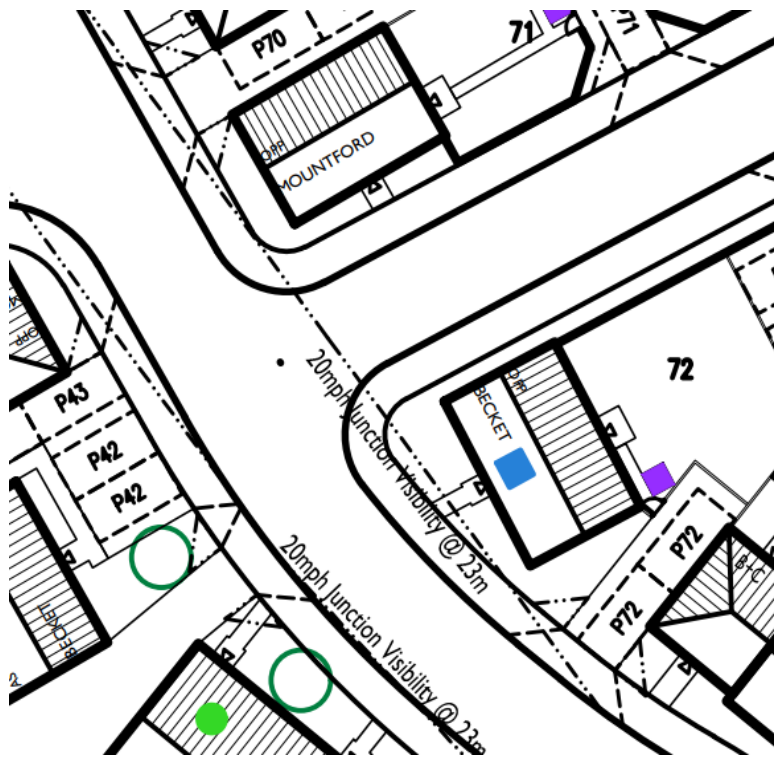




Our Highway Design Guide for New Developments states that for roads which serve between 25 and 100 dwellings (the above example serves 66 dwellings) should be 5.5m in width, as the above example is, and have visibility splays of 33m. Therefore visibility splays of 2.4m x 33m have been requested on a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

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





**One-Way System**

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



## Central Square

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



## Car Parking

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

## Upper Hardwick Lane

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

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

## Service Strip

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

## Recommendation

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

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

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

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

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

#### Conditions & Informatives

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

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

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

#### S106

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

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

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

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

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



- 2) The LHA will not adopt visitor spaces therefore the footway should run in front of the spaces not behind, for example, adjacent to plots 96/97.
- 3) The 3m cycleway should continue through the school expansion land to Cherry Tree Close. This should be shown on a plan, including the S38 plan as the LHA would wish to adopt it.
- 4) The (presumably) school drop-off laybys by the expansion area should be one long bay rather than broken up and the northern corner should be tightened up/remove excess space with a conventional radius. However, ideally the school drop-off area should be within the expansion land so that the school can control it and residents won't park in it.
- 5) Access for pedestrians/cyclists to the school via the school expansion land should be provided during Phase 1 of the development to ensure good travel habits are formed from the start and walking and cycling is encourage/enabled.
- 6) Link through hedge/trees should be a cycleway and we would want to adopt it.
- 7) Footway along the A44 between the proposed site access road off the A44 and Upper Hardwick Lane should be removed and the link from the access road onto Upper Hardwick Lane should be included in the S38 plan as the LHA would wish to adopt it. The link towards Stonehouse Farm should also be adopted. Upper Hardwick Lane should be provided with lighting as it will be the main pedestrian access route to this part of the site.
- 8) The cycleway from the access onto Upper Hardwick Lane to the proposed site access junction with the A44 should be removed but the land reserved so that if the site to the south comes forward then it can be added and a link between the two sites provided.
- 9) The proposed footway between Upper Hardwick Lane and Winslow Road should be included within the red line and S278 plans.
- 10) The 30mph speed limit should be relocated to the west of the proposed junction for the Stonehouse Farm access on the A44.
- 11) The LHA would prefer to adopt the outer cycle route which skirts the development to the west from the pond to southern extent of dwellings as it is considered that this would be in the best interests of the public.
- 12) A link through from the site onto Damson Tree Close should be provided if the hedge ownership allows.
- 13) Grass verges will not be adopted therefore visibility splays should be demarked by footway rather than verge.
- 14) Forward visibility should be 33m and should be shown on plans.
- 15) Minimum centreline radii should be 25m. This should be demonstrated on a plan.
- 16) Visibility splays should be 2.4m x 33m and be demonstrated on a plan.
- 17) 2m x 2m pedestrian vision splays should be provided at all driveways to ensure visibility of pedestrians when vehicles are reversing on/off driveways/parking spaces. These should be provided as per the extract from our Highway Design Guide below. As per visibility splays, nothing over 0.6m in height should be placed within the splay.

18) The footway provision along some roads throughout the site appears to be broken up in places, for example, as shown below. A continuous footway should be provided along adoptable roads.

19) How Upper Hardwick Lane to the north of the spine road is accessed is not clear. Swept paths of a large tractor and a fire tender turning into and out of the lane should be provided, as should visibility splays at the junction with the spine road. Visibility splays for the section of Upper Hardwick Lane to the south of the spine road should also be provided.

20) Raised tables should not be required as roads should be designed to keep speeds down.

21) Block paving will not be adopted. Only standard materials such as black top should be used.

22) All shared private drives under 25m in length should be provided with a turning head capable of turning a large estate car around via a three point turn with all of the car parking spaces occupied. Shared private drives over 25m in length should be provided with a turning head capable of turning a LWB Transit type van around via a three point turn with all of the car parking spaces occupied IF Waste have confirmed that a refuse vehicle would not have to travel down it. Vehicle swept paths of these manoeuvres should be provided for all shared private drives.

23) Car parking should be provided as follows:

- One bedroom dwelling – One space
- Two/Three bedroom dwellings – Two spaces
- Four bedroom plus dwellings – Three spaces

Ideally three tandem spaces in a row should not be provided as this is likely to result in at least one vehicle parking on-street for ease of movement.

24) Parking courts should be avoided where possible, for example, plots 74 – 81.

25) Cycle storage should be provided for all dwellings, for example plots 74 – 81. Facilities to charge e-bikes should also be provided, particularly in communal stores.

26) The proposed bus stops on Winslow Road should be positioned closer to an access into the site, i.e. Cherry Tree Close if possible.

27) A Stage 1 Road Safety Audit (RSA) should be provided once the above amendments have been incorporated. The RSA should include the proposed footway improvements along the A44 between Upper Hardwick Lane and Winslow Road. The LHA would wish to have sight of the Audit Brief prior to the commissioning of the RSA.

5.14 HC Education – comment; -

5.14.1 20/12/2023 - I've checked the latest position and the information in that response is still valid as both St Peter's Primary School and Queen Elizabeth High School have full year groups and justify a contribution towards education facilities. We would be looking for a full suite of contributions for Early Years, Primary, Secondary, Post 16, Youth and SEN provision.

The contributions per dwelling are therefore:

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

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

4+ bed house or bungalow	£639	£5,018	£5,535	£121	£1,675	£828	£13,816
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5.15 BBLP Land Drainage – comment; -

5.15.1 20/12/23 - The drawings issued do not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. However, we accept that it should be possible to install geocellular crates to meet the design criteria described below.

Development sites usually increase the amount of impermeable area. This leads to an increased runoff rate.

At this site the proposed outfall is into a ditch upstream of the River Frome. The impact of an increased flow rate in the ditch could cause localised surface water flooding at the ditch, but this would be on a remote area of farmland.

The increased runoff rate leads to an increased volume of water being conveyed into the river in less time. This causes extra flow in the river. The implications are that downstream areas are more likely to flood. This cannot be allowed to happen. Accordingly, the SuDS should be designed to retain the extra runoff volume on the site during the respective rainstorms. This is why the National Standards for Peak Flow and Volume Control were introduced.

As explained above, although the Peak Flow Control is quoted in DEFRA literature, there would be no immediate implications to the residents of Bromyard if the peak flow in some rainstorms exceeded greenfield rates.

However, there would be increased flood risk if the Volume Criteria were not met.

We recognise that due to the inclined nature of the site it is difficult to design a Basin that can store a large amount of water. To meet both the Peak Flow Control and Volume Control criteria it would be necessary to store all water relating to a 100 year +CC storm and discharge it at a 2 year storm flow rate. Clearly this creates a large storage volume that would need to be accommodated in the pond.

The applicant has suggested using two or more flow controls, this concept is accepted subject to further discussion.

The applicant has included a Sediment Treatment Proposals document in their submission. The basin is an integral component of the SuDS and it's use would improve water cleanliness. If the crates were used then details in this document would hold no meaning. However we understand that there are no SACs in the immediate vicinity of the site, however the issue of sediment transport needs to be considered.

We assume the intent is to present the entire surface water drainage system to Welsh Water for adoption.

Because there are no SuDS Approval Bodies (SABs) in England, Welsh Water have needed to alter their adoption strategy to accommodate below ground storage at drainage basins built in England. This is normally achieved by providing adoptable below ground storage (geocellular crates) located below a Dry Basin, sized to meet the 30 year storm criteria referenced in Sewers for Adoption. The dry basin is provided to the facilitate the outstanding attenuation requirements up to the 100 year + Climate Change storm criteria.

The Herefordshire SuDS Handbook explains that at Strategic Sites, an exemplar approach to the design of SuDS is required. Accordingly, site layouts should seek to incorporate green SuDS which mimic natural processes to clean water.

The original surface water attenuation proposals relied on the provision of a Drainage Basin that would store ALL stormwater to 100 years + Climate Change. Deviating from this design to rely on the provision of below ground storage would lead to the following :-

- During daily rainfall events, no water would collect in the Drainage Basin. The basin itself would remain dry and would only receive water once every few decades. This may have biodiversity implications and the vegetation shown on the landscape drawings would not grow
- The basin would not function as a Pollution Control feature (refer to the Herefordshire SuDS Handbook item 7.8).

The water companies that operate within England hold different approaches to adopting basins. We consider that it would be beneficial to engage with Welsh Water to explore opportunities to explore the concept of aligning their own adoption policies with recent changes made to adoption criteria by other companies.

Severn Trent have researched the legalities of defining a line on the base of the basin as a sewer. This allows them to adopt a strip along the base of the basin. Severn Trent hold access rights to desilt the base of the pond. Maintenance of the pond normally falls to the landowner or a private management company.

Recently the government has expressed their intent to implement Schedule 3 of the Flood and Water Management Act during 2024. This measure would create SABs in England. This may present a means for Local Authorities to receive funding to maintain basins.

As LLFA we recognise the impracticalities of seeking to deliver green SuDS on a sloping site. Owing to the isolated location of the outfall we can offer the applicant revised discharge criteria that could be used to develop an alternative design.

The revised design could feature below ground storage (possibly geocellular crates) uphill of the attenuation basin. These crates would need to be designed to fill up throughout a short duration rainstorm. Accordingly, a flow control would need to be selected to operate throughout the short duration rainstorm. A weir would allow incoming water arising from larger storms to cascade on into the basin. This would allow more water to be stored within the site.

We recognise that there is sufficient space within the open spaces to accommodate below ground storage.

The basin would then need to be designed allowing for a 1 in 3 slope, which may create more storage than the 1 in 4 slopes that have been proposed. As explained in our commentary we also consider the tall retaining wall to be a risk to all site users, so efforts would need to be made to reduce the likelihood of personnel injury arising from the inclusion of the wall. The applicant should also consider moving the pond towards the north west.

Subject to further design it may be possible to lower the discharge rate to the 30 year rate, which would mobilise more storage in the pond. The volumetric criteria for the 30 year and 100 year + CC storms would however need to be achieved.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

In summary, we recognise the desire to ensure that the surface water drainage is adopted by Welsh Water. We recommend discussions are held with Welsh Water to establish whether changes can be made to their adoption policy. This may allow a design to be developed that utilises crates that are installed on higher land, so that the water all drains through the basin. The alternative would be to install the crates below the basin.

We recognise that the details presented for the outline submission require refinement, but in principle we can accept the proposal that this design can be delivered under a drainage condition. This drainage condition should include a focus on the desire to take all reasonable steps to facilitate a design utilising green SuDS.

- 5.15.2 28/11/23 - The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign. This may involve increasing the gradient of the pond banks and moving the pond towards the north west. On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 2**.

- 5.15.3 13/10/23 - We note that the Covering Letter advises “There is no objection to the proposed development on flood risk and drainage grounds”. However our comments below state that we OBJECT to the proposed development. It would appear that the original comments dated 18.7.23 were not uploaded to the Planning Website.

The revised submission included Section 38 drawings related to the proposed adoption of highways. As explained in our commentary the roads could only be adopted if all of the surface water sewers were adopted by a Water Authority.

The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

The designer should consider the risks of people falling off the proposed retaining wall and consider how this risk may be mitigated through redesign.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required. The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information, we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 3**.

- 5.15.4 18/7/23 – The outline submission does not demonstrate that Pond 1 has been adequately sized to accommodate rainfall arising from the respective design storm referenced above. The designer has suggested that a variable flow control would be used, but has not presented a working design. We object to the proposed development because the surface water drainage strategy is inadequate. A revised submission will be required that may demonstrate that adequate attenuation can be provided within the extent of the site for all design storms.

For a strategic site of this size we would expect an extensive set of soakaway tests across the site. There were only four tests provided within the red line area. Further testing is required.

The proposals for adoption of the respective assets need to be confirmed.

On the submission of the above information we will then be able to confirm which items of outstanding information may be required to support a reserved matters application.

Note – Please see tabulated comments at **Appendix 4**.

- 5.16 Wye Valley NHS Trust – comments withdrawn on 19 December 2023.
- 5.17 Herefordshire and Worcestershire Clinical Commissioning Group – no response.
- 5.18 Dwr Cymru Welsh Water
- 5.18.1 4/10/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### SEWERAGE

We have considered the impact of foul flows generated by the proposed development and concluded it is unlikely that sufficient capacity exists to accommodate your development without causing detriment to the existing services we provide to our customers, or in regard to the protection of the environment. There are no planned reinforcement works within Dwr Cymru Welsh Water's Capital Investment Programme and therefore, at this stage, we are unable to provide you with a point of adequacy on the network.

A Hydraulic Modelling Assessment (HMA) has been commenced and where required and appropriate, the HMA will identify solutions and points of communication to ensure that your site can be accommodated within the system. However, in the absence of known solutions to accommodate your site we will not be able to support the development.

Turning to surface water, the proposed drainage layouts and drainage strategy shows the proposal to discharge the majority of surface water via a drainage ditch to the north and a small percentage to a highway drain south of the site. Dwr Cymru Welsh Water has no objection to this however, we advise that the applicant contacts Environment Agency who regulate discharge to watercourses and highway authority who will regulate discharges to a highway drain.

#### WATER SUPPLY

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

#### SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Conditions:

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

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

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

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

5.18.2 30/5/23 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### SEWERAGE

The proposed development would hydraulically overload the existing public sewerage system thereby leading to increased risk of pollution of the environment and risk to public health and safety of existing residents. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment

#### Programme.

With regards to surface water, Dwr Cymru Welsh Water has no objection to the proposed attenuated discharge into the nearby water course and highway drain however, we would advise that the applicant seek advice from the Environment Agency and the Building Regulations Authority as both are responsible to regulate alternative methods of drainage and the highway authority with regards to discharging into the highway drain.

#### WATER SUPPLY

The water supply system in the immediate vicinity has insufficient capacity to serve the development and will also cause detriment to existing customers' water supply. The applicant is advised that as part of any future water connection application under Section 41 of the Water Industry Act (1991), a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development under Section 41 and Section 51 of the Water Industry Act (1991).

information relating to our Hydraulic Modelling Assessment process is available on our website and within our guidance notes. The area planning officer will also be able to provide you within information relating to this process.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### Conditions

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

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

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

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

### Advisory Notes

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

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

- 5.19 Natural England – comment;  
4/12/23 - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. This is on the basis of nutrient neutrality being secured.
- 5.20 Herefordshire Wildlife Trust – no response.
- 5.21 The Ramblers Association (Herefordshire) – no response.
- 5.22 Open Spaces Society – no response.



5.23 West Mercia Police (Hereford)

- 5.23.1 14/7/23 - I am responding to this planning application on behalf of West Mercia Police, in relation to Crime Reduction and Community Safety matters as the assigned Design Out Crime Officer for Herefordshire. This is a proposed development is a significant one for the residents and infrastructure of Bromyard and will undoubtedly have opportunities for designing out crime and anti-social behaviour.

I have examined the planning application, together with the plans submitted. This has been done with reference to the advice contained within National Planning Policy Framework para's 92b, 97, 130f and the Crime and Disorder act 1998. I cannot find any inclusion as to the provision for security measures to be applied to the site as a whole, the build security of the 250 dwellings, or the additional build of the school.

The security requirements for dwellings are set out in Part Q of Schedule 1 of the Building Regulations, however I would recommend that all doors and windows meet the PAS 24:2016 standard and are third party certified, such as those companies that achieve Secured by Design accreditation.

I would ask that the applicant/ agent adopts the principles of 'secured by design' and evidence how they have designed in features to deter crime and anti-social behavior as per Sustainable Design and Construction Supplementary Planning Document 2020, section 17.

[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_update\\_Ma\\_y.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_update_Ma_y.pdf)

5.24 Hereford and Worcester Fire Service (Hereford)

- 5.24.1 24/7/23 - With regard to the attached Planning consultation letter regarding the application detailed:

Hereford & Worcester Fire Rescue Service (HWFRS) Fire Safety department - wish to make the following comments:

Fire Service Vehicle access to the new dwellings may need to comply with the requirements of ADB 2019 Vol. 1 B5, section 13 & Table 13.1

In particular there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside the new dwellings.

Access road to dwelling should be in accordance with ADB 2019 Vol. 1 Table 13.1

The above matters may be assessed through the Consultation process with Local Authority or Approved Inspector Building Control bodies to ensure that the requirements of the Building Regulations (2010) are satisfied and matters to be addressed, under the Fire Safety Order (2005), once the building is occupied.

## 6. **Community Representations**

- 6.1 As the nature and extent of the proposed development has changed in a significant and material manner since the application was submitted to the Local Planning Authority in 2016, only the comments received in relation to the revised submission (up to 250 dwellings) received in 2023 are summarised below. Nevertheless, all comments received prior have been considered accordingly.

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=163932](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932)

6.2 Bromyard Town Council – comment; -

6.2.1 13/12/23 - The committee resolved to accept this proposal in principle

3/10/23 – Members discussed the application in detail and resolved to support it in principle with the condition that the A44 footway access be EXCLUDED, as there are three other alternative access routes proposed for pedestrians and cycling via Winslow Road.

The Town Council remains OPPOSED to the inclusion of a footway (pedestrian) route along the A44 which is not achievable to the standard required and is not required for this development.

4/7/23 - At the meeting of the Town Council's Planning and Economic Development Committee last night members considered the re-consultation for application 163932, Land at Hardwick Bank. After a lengthy discussion, the committee decided to object as this particular application continues to rely on a pedestrian access along the northern route (A44) without any legal certainty of deliverability.

I was unable to upload the committee's decision via the Planning Portal as the usual link is not provided.

8/5/23 - It was RESOLVED that the Town Council opposes this application and strongly recommends that planning permission is refused on the basis that safe access including footpaths, verges and cycleways is not proven in this application.

6.3 Press (Hereford Times) / Site Notices - 21 individual letters of representation in objection to the application. The comments can be summarised within the broad topic headings as follows; -

Principle of the development

- There are other applications for housing under consideration
- Loss of undeveloped land / green fields
- Brownfield sites should be used

Access and highways safety

- Vehicular access onto the A44 is dangerous given proximity to other junctions
- Vehicular access onto the A44 is dangerous given proximity to brow of hill
- Pedestrian access along A44 would be unsafe given the road's insufficient width
- Pedestrian and cycle access should be re-routed via Broxash Close
- Widening of the existing footway along the A44 would encroach onto private property.
- Development would increase traffic on Winslow Road (used as rat-run to primary school and co-op supermarket)
- Parking around the primary school is inadequate and car park along Winslow Road during drop-off / pick-up times.
- Lack of employment in Bromyard will result in increased traffic movements for out-commuting.
- The existing development off Tenbury Road is dangerous as it has no footway.
- Additional crossings required to prevent children from running onto the road.
- Local bus service is intending to increase fares / services are not sufficiently subsidised.

Housing

- The quantum of social housing has not been shown within the submission.

#### Flooding and drainage

- No reference to potential surface water run-off or flood mitigation within the submission

#### Ecology

- Site is very close to a SSSI which hosts species such as newts, bats and other rare wildlife

#### Infrastructure

- Development could increase the population of Bromyard by between 20 – 25%.
- Existing health infrastructure within Bromyard is at stretched / over-capacity.
- Fragile and in unreliable sewage system
- Local schools are over-capacity.
- Consideration should be given to increasing resources for local police and fire and rescue services.
- Low water pressure observed at Damson Tree Close.

#### Amenity and community wellbeing

- Existing residents will no longer be able to enjoy peace and tranquillity
- Adverse impact on mental health and community well-being
- Loss of amenity / outdoor space for dog walking and recreation.
- There is little social opportunities for children and young people in Bromyard
- Loss of views
- Noise and pollution from additional traffic
- No details on workforce propriety within the submission.
- No details on ensuring potential crime / anti-social behaviour sports are avoided / addressed, within the submission.
- Overshadowing and overlooking – especially where the development would abut existing single-storey dwellings.

1 letter of representation neither in support or objection received. The comments can be summarised as follows; -

- Safe walking and cycling should be pre-requisite of development
- Should connect to key destinations within Bromyard, as well as the proposed Worcester Bromyard Leominster Greenway project.

1 letter of representation in support received. The comments can be summarised as follows; -

- Development should use old railway line where possible to integrate with the proposed Greenway project.

## 7. Officer's Appraisal

### Principle of development

7.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

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

7.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review

of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and was updated in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

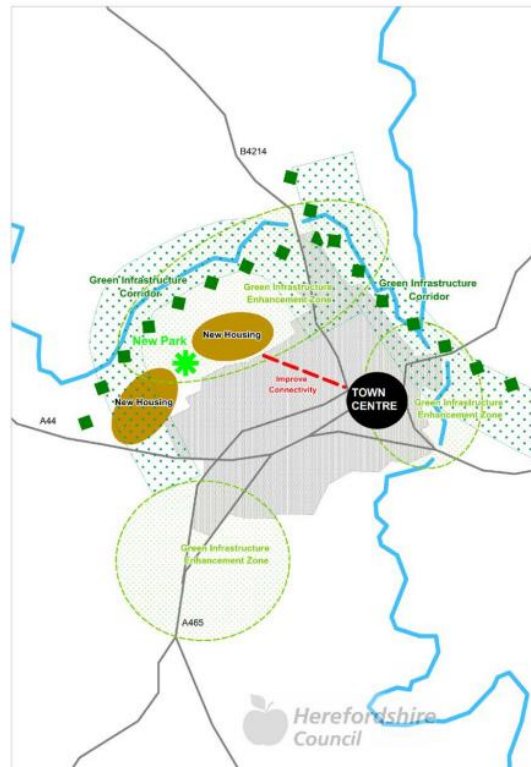
- 7.4 Herefordshire Council are able to demonstrate a 5 year housing land supply. Accordingly, this renders the housing supply policies as contained within the Core Strategy as being compliant with the principles as set out within the NPPF and therefore are up-to-date. They therefore attract full-weight for decision-taking purposes in terms of applying the presumption in favour of sustainable development as set out within Paragraph 11 of the NPPF.
- 7.5 In accordance with the NPPF, the delivery of sustainable housing development to meet objectively assessed need is a central theme of the Core Strategy. Policy SS2 confirms that Hereford City, with the market towns in the tier below, is the main focus for new housing development. In the rural areas new housing development will be acceptable “where it helps to meet housing needs and requirements, supports the rural economy and local services and facilities and is responsive to the needs of its community”.
- 7.6 Policy SS2 makes an overall provision for the delivery of a minimum 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Of these, just over two thirds are directed to Hereford City and the market towns.
- 7.7 Policy BY1 of the Core Strategy sets out that Bromyard will accommodate a minimum of 500 new homes with around 5 hectares of employment land during the plan period. It states that the majority of new homes will be located in the northwestern areas of the town, with a minimum of 250 new homes.

Core Strategy Policy BY2 identifies Land at Hardwick Bank to deliver a sustainable urban extension for Bromyard which would deliver a minimum of 250 new homes at a density of up to 25 dwellings per hectare and comprising a mix of open-market and affordable provision. The policy advises that any planning application should include, but not be limited to the following;

- 40% affordable housing;
- formal park with new play and sports facilities and allotments;
- suitable vehicular access, likely taken from the A44;
- residential routes off Winslow Road should provide sustainable links to the town (pedestrian and cycle) as well as public transport links;
- contributions towards new and improved facilities;
- improvements to classroom provision for primary school;
- high standard of design and layout which reflects the townscape, landscape and green infrastructure of area;
- sustainable design and construction;
- incorporate landscape buffers;
- an evaluation of archaeological importance to ensure protection of heritage assets; and
- comprehensive sustainable urban drainage system.

- 7.8 The proposal has been amended since the application was submitted to the Local Planning Authority. The application site now only covers approximately half of the land identified within the Core Strategy (see extract from Core Strategy below) but would still provide for 250 dwellings.

Figure 4.5: Bromyard Key Diagram



- 7.9 Although comments received citing the loss of agricultural land and the preference for the use of brownfield sites as reasons for resisting the development are noted, the quantum of housing required to be delivered cannot be met in this manner alone. The site has been identified within the Core Strategy as suitable for housing development but nevertheless does not in itself render other sites under consideration as being unsuitable.
- 7.10 As such, the principle of housing delivery at this site can therefore be accepted subject to the above provisions. It is necessary however to determine the extent to which the proposal is also capable of complying with other relevant development plan policies and any other material considerations.

### **Design and layout**

- 7.11 As well as the expectations of development of this site set out through Policy BY2 of the Core Strategy, Policy SD1 seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment. This also seeks the inclusion of physical sustainability measures, including orientation of buildings, provision of water conservation measures, storage for bicycles and waste, including resources for recycling and enabling renewable energy and energy conservation infrastructure.
- 7.12 The application is made in outline, although detailed consideration of both access and layout form part of this application. Matters relating to scale, appearance and landscaping are reserved for future consideration.
- 7.13 A site wide masterplan has been submitted which details the proposed layout, but also in some cases includes details which may be considered to form part of the other 'reserved matters' which would fall to be considered at a later stage, through any forthcoming application for the approval of the respective matters.

- 7.14 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines 'layout' as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 7.15 The layout comprises a three-arm junction to the southern boundary of the site which would provide access from the A44. Given the topography where the ground rises steeply north from the A44, this southern area would be reserved for planting / landscaping and drainage infrastructure, absent of any residential development. Thereafter residential development would flank a spine road which would run through the site taking a curved, sinuous design from which residential roads and provide shared drives would be taken. It is considered that the layout would create an extension which is akin in its form and pattern to Winslow Road whereby smaller residential routes are taken from a principal street.
- 7.16 Along the spine road, dwellings would be spaced to allow generally tandem-parking or set-back garages, removing excess bulk and clutter from the street-scene. Nevertheless, in attempt to form a street hierarchy within the development, densities here would be higher through the provision of some terraces / flats which would help distinguish and provide variety from the less dense residential areas towards the site's edges. The curved design of the spine road would lend some variation and privacy to the street scene, as well as surveillance. It would also be sized as to provide a 3-metre foot-cycleway on the eastern side and a 2-metre footway on the western side throughout. The former would provide a sustainable link to the east of the site to Cherry Tree Close via St Peter's Primary School. In all cases, the residential routes off the spine-road terminate with footway connections to provide pedestrian connectivity around the site.
- 7.17 As part of the layout, land is allocated for the expansion of St Peter's Primary School and therefore addressing any future identified need for new or improved classroom provision, an expectation that Policy BY2 of the Core Strategy places upon any development of this site. The Section 106 would secure that the parcel of land is transferred to the Local Education Authority (LEA) and in the case where after all reasonable endeavours this is not successful, an in lieu contribution would be made to the LEA towards St Peter's Primary School. Consideration has been given to the placement of a drop-off parking area to serve the school however this is not included within the school expansion land to ensure that development potential and flexibility in the future is not compromised or restricted. The proposed 3-metre foot-cycleway as above set out would be delivered in the first phase (secured by condition) and therefore would encourage new active travel and sustainable patterns of movement which may otherwise be tempered should dedicated school drop-off parking be provided at an initial stage. With this, there is no initial proposal to provide a one-way system through this part of the development. This would in any case require a Traffic Regulation Order (TRO) but may be considered at a point in time.
- 7.18 The design of the layout would broadly take account of the site's context and constraints in terms of the topography, existing field parcels and delineations as well as the proximity to the surrounding open-countryside. Upper Hardwick Lane, forming part of the local highway network, invariably divides the site in to component parts and this has presented both limitations and opportunities for the scheme. The positioning of buildings to the immediate west of the point in which Upper Hardwick Lane would cross the spine-road has been a priority consideration in the formulation of the layout, principally in order to achieve a degree of permeability across the two component parts of the development and to aid and encourage connectivity and integration. This has been secured through buildings set further back from the spine-road with opportunities for landscaping to create a destination / focal point within the site – linking to the park and open-space to the north.
- 7.19 At the northwestern extent of the site provision is made for drainage infrastructure with residential development set away from the boundary but roughly following the contours of the site. To the other northern, western and eastern boundaries of the site, residential development would generally not sit immediately adjacent to open-countryside – with the provision of footways or

space for other landscaping providing a buffer. In such edge of development locations, the layout would make efficient use of the site through accommodating allotments, communal gardens and children's play on the way features. In all case, the layout is designed to provide natural surveillance to these features within the development.

- 7.20 The layout allows for sufficient landscape buffers along the edge of the application site, as well as being formed through existing trees and vegetation along existing internal boundaries within the site. The layout's response to this would go some way in responding to the local context and green infrastructure of the area and visually disaggregate the development.
- 7.21 In the round, the layout is considered broadly satisfactory whereby it would help facilitate, in conjunction with any forthcoming consideration of acceptable reserved matters, residential development that would comply with the site specific requirements of Policy BY2.

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

- 7.22 As defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 'Access' means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'.
- 7.23 Core Strategy policy MT1 of the Core Strategy, requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also ensure that proposals are designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space. The NPPF requires development proposals to give genuine choice as regards movement. Core Strategy Policy SS4 requires developments to minimise the impacts on the transport network.
- 7.24 As previously rehearsed, Policy BY2 states that housing development would be accessed off the A44, likely in the form of a roundabout. In the evolution of the proposal and taking account land constraints, a new three-arm signal-controlled junction on the A44 is proposed. As set out within the updated Transport Assessment (TA), traffic surveys were undertaken and completed in 2022 as well as modelling of the proposed site access junction (this also included a scenario where the junction hosts a fourth-arm to serve potential residential development of the site to the south of the A44 (190111 refers). Nevertheless, the TA confirms that the junction could operate within capacity and is designed to an acceptable, adoptable standard. The existing 30mph speed limit would be re-located to the west of the site access, roughly in line with Stonehouse Farm. This would change the nature of the road environment on the approach to Bromyard from the west and would be secured by way of a TRO.
- 7.25 The access and internal layout of the site has evolved following extended discussions between the applicant and the LPA and LHA. The access from the A44, together with the width of the spine-road carriageway (6-metres) running through the development would be such which would enable to provide the requisite capacity should the remainder of the area of land identified for housing to the north and east come forward at a later stage – on the basis of it connecting with a junction on the B4214 Tenbury Road. It is crucial to note however that while the spine-road is designed to suitably accommodate the quantum of development which may be realised through the strategic site in its entirety, as well as buses, it is not designed to accommodate HGVs or otherwise serve as a by-pass for the town or diversion of through traffic to and from the A44 and B4214.
- 7.26 As set out within the latest comments from the LHA, there are a number of persisting issues relating to the design of the spine road. These relate to incorrectly drawn and demonstrated visibility splays. These broadly would appear to compromise the delivery of the layout of the development as currently under consideration and therefore officers are satisfied that details

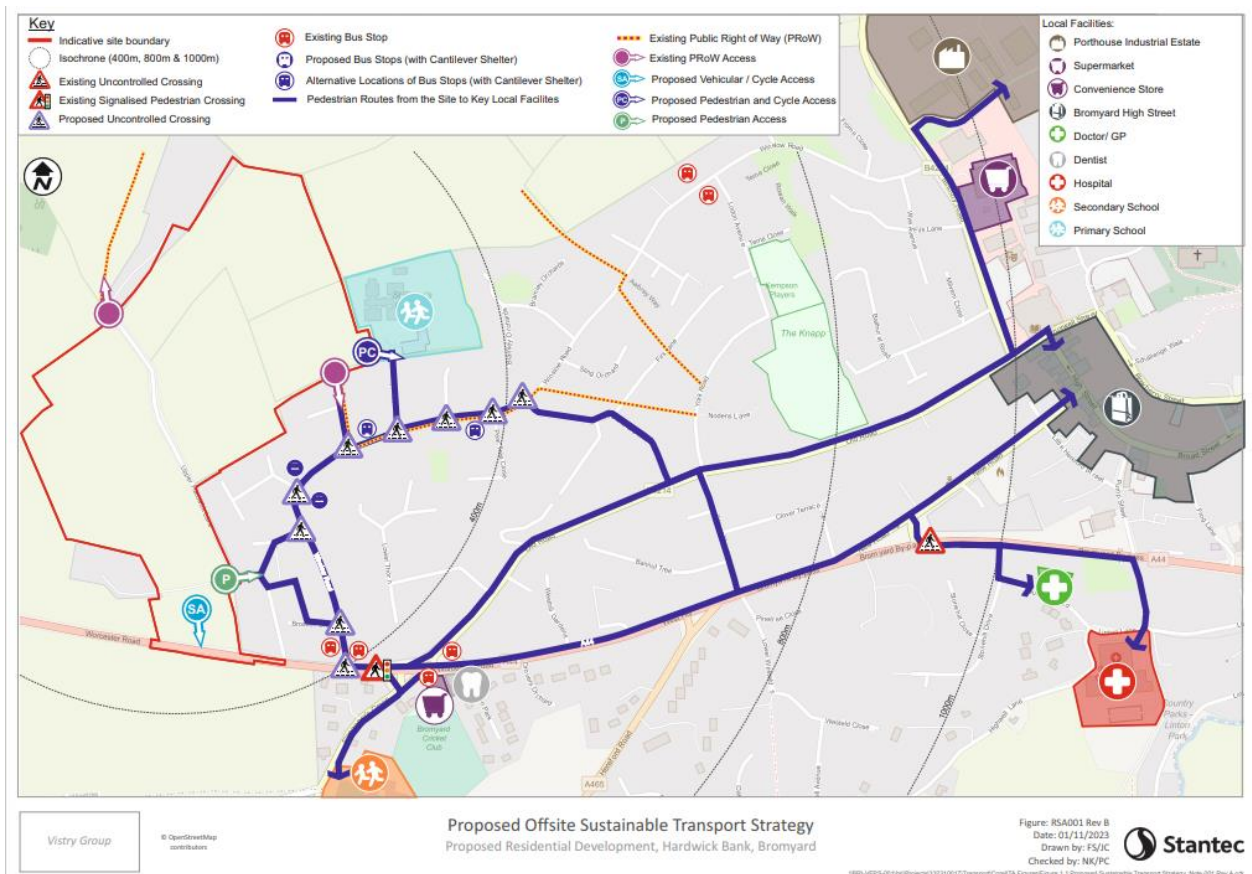
could be supplied at a later stage, through planning conditions. Such details would be required for the road to be adopted through Section 38 of the Highways Act, but are otherwise required to be set out in the interests of highway safety in accordance with Policy MT1 of the Core Strategy.

- 7.27 There are similar implications for the residential roads off the spine road whereby the required visibility splays are not accurately or correctly identified on the submitted plans when considering the layout. While this is regrettable and ought to have been addressed following consistent input from the LHA, there would again appear to be no substantive reason as to why the required splays cannot be achieved within the layout. It should be noted that scale is a reserved matter and this concerns, inter alia, the width and length of buildings. As such, it may prove necessary that any forthcoming reserved matters application(s) which deals with scale results in slight adjustments to the footprint of some of the buildings shown on the layout plan, in order to demonstrate the provision of the required visibility splays throughout the site, to ensure highway safety.
- 7.28 There are other issues identified on the submitted plans which relate to the provision of one-way-systems, absence of service strips and radius of the corner within the central square. These are matters which would be considered further should the road be put forward for adoption but do not raise any particular highway safety implications.
- 7.29 The development of the site would dissect Upper Hardwick Lane and bollards are proposed to the southern part of the intersection with the spine road, to prohibit vehicle from travelling this way from the northern part of the development. This would provide benefits to pedestrians using Upper Hardwick Lane and would be managed and secured through a TRO.
- 7.30 The level and space apportioned for plot and visitor parking is considered acceptable having regard to the HC Highway Design Guide for New Developments and vehicle tracking (swept path analysis) has been provided where requested by the LHA to provide assurance that larger vehicles can safely access and traverse the site – this is with specific regard to Upper Hardwick Lane north of the spine road. The Council’s Waste and Recycling Team have reviewed the latest layout and are satisfied that Refuse Collection Vehicles (RCV) would safely and appropriately be able to serve the development, with the site being built to an adoptable standard. The submitted refuse strategy for the site sets out that the layout has taken account of the distances in which waste and recycling crews are able to physically move recycling bins in areas in which they cannot traverse with the RCV (non-adopted areas) and have provided suitable collection points.
- 7.31 Policy BY2 of the Core Strategy expects that development of the site would provide for sustainable links (including pedestrian and cycle) to and from the residential roads which are taken from Winslow Road and generally flank the southern and eastern boundaries of the site. Policy BY1 also places an expectation on new development in facilitating a genuine choice of modes of travel which inter alia, includes cycling and walking.
- 7.32 There have been numerous iterations of the proposed development which have influenced, amongst other constraints, the current proposed pedestrian and cycle links which would serve the development. The proposed links can be summarised as follows;
- Connection north of site from Upper Hardwick Lane to existing PRoW WN1.
  - New 3-metre pedestrian and cycle-way running from central spine-road along the southern boundary of the site and school expansion land to connect with St Peter’s Primary School and Cherry Tree Close, providing access thereafter to Winslow Road. It is confirmed within the revised phasing plan that this would be delivered in Phase 1 and therefore encourage and facilitate active travel and sustainable patterns of movement from the outset.
  - Connection from spine-road to existing PRoW WN2 to rear of proposed properties and Damson Tree Close, providing access thereafter to Winslow Road.



- New pedestrian access from southern end of spine-road, across Upper Hardwick Lane to provide connection to Flaggoner's Close, providing access thereafter to Winslow Road and the A44 West Hill and Panniers Lane for the Queen Elizabeth High School. There would be highway works to the bend in the road on Upper Hardwick Lane to improve safety.

7.33 There is an acknowledgement that sustainable links would optimally be taken from all residential roads leading from Winslow Road, including Hardwick Close and Damson Tree Close as per Policy BY2 of the Core Strategy. Regrettably, due to land constraints, new connections to and from the development are not possible in all of these locations (apart from the existing narrow PRow connection to Damson Tree Close as above outlined). This does result in a quite significant impermeable eastern edge to the development.



**Figure 2 – Proposed off-site sustainable drainage strategy**

7.34 The 3-metre shared cycle-footway would be provided prior to the first occupation of any of the dwelling in the first phase of development, secured through condition. As illustrated by **Figure 2**, the broad positioning of the site relative to the principal services and facilities afforded within Bromyard town-centre means that the proposed pedestrian and cycle route which runs centrally through the site along the spine-road and then connects with Cherry Tree Close at St Peter's Primary School would provide a relatively direct route to the town-centre for the majority of the development. Crucially, the link would provide an appropriate safe and secure means of access to the primary school and should therefore not result in the development exacerbating parking issues associated with school drop-off / pick up along Winslow Road. With this in mind, although the extent of the impermeable edge to the eastern boundary of the development (caused by an inability to create connections to Hardwick Close and Damson Tree Close) is unfortunate, it is not considered so impactful on the overall objectives of encouraging sustainable movement within the development and the wider locale as to substantiate refusal of the application.

- 7.35 It should be noted that no alterations are proposed to the southern end of Upper Hardwick Lane and no pedestrian or cycle provision is proposed from the site access with the A44 along to the junction with Upper Hardwick Lane and Winslow Road. Upper Hardwick Lane where it crosses the spine-road to access Stonehouse Farm would be adopted. The applicant has omitted proposed upgrades to Upper Hardwick Lane and improved footway provision along the A44 to Winslow Road following discussions with Bromyard Town Council. The formal footway connection to the south of the site therefore relies on Flaggoners Close and Winslow Road. As set out within the comments from the LHA, it is acknowledged that a connection which relies on Upper Hardwick Lane and the A44 would likely provide a more direct means of pedestrian access to the services and facilities and bus stop at the junction of West Hill and Panniers Lane (and the Queen Elizabeth High School) 'as the crow flies', despite the formalisation of an indirect route as is proposed. Nevertheless, subject to additional contributions being sought to provide the A44 footway improvements when required (would not be prior to occupation) on balance, the current scheme is considered adequate whereby pedestrians would be routed via an existing residential area (Flaggoner's Close and Winslow Road) before reaching the aforementioned destinations. Therefore, absent of any required upgrades to the existing footway provision between Upper Hardwick Lane and Winslow Road as part of the proposal itself, the proposed alternative is judged as satisfactory.
- 7.36 Policy BY2 of the Core Strategy states that new highway infrastructure which comes forward as part of the strategic site development should be designed as to not prejudice the delivery of additional development beyond the plan. Although the proposal in itself does not sterilise development opportunities for the remainder of the strategic site as identified within the Core Strategy extending east to Tenbury Road, the LHA have requested a 3-metre land strip between the site access off the A44 and the southern terminus of the foot-cycleway for potential future cycle routes to develop within Bromyard. This has been withdrawn as part of the submission by the applicant. The only cycling access to the development, aside from the carriageway, is through Cherry Tree Close. It is most regrettable that this is the case as this could raise implications in delivering sustainable connectivity should further development within the north and west of Bromyard come forward either during or beyond the current plan period. Indeed, should the remainder of the strategic site come forward – implications could arise in terms of providing suitable pedestrian and cycle connectivity to the west of the town, principally the Queen Elizabeth High School
- 7.37 Limited opportunities exist for such facilities, making this a valuable chance for future connections. The applicant's refusal to incorporate this potentially hampers the LHA's ability to adopt the land, possibly leading to challenges similar to the applicant's own whereby some desired connections to residential roads off Winslow Road cannot be achieved. Future residential developments and longer-distance cycle routes would benefit, but these opportunities hinge on the strip's availability. The LHA requests a planning condition for the 3-metre strip to be provided. The absence of such may give rise to potential sterilisation of future cycle connections should adoption not be possible; as adoption requires serving wider public interests. The LHA believes the removal of this potential link means the wider public would not benefit from site adoption.
- 7.38 Additionally, as part of the off-site highways works to accommodate and facilitate the above set out links from the development, a number of strategically located un-signalised crossing are proposed along Winslow Road as well as bus stop locations close to the junctions with Hardwick Close and Damson and Cherry Tree Close. Noting the concerns raised with respect to increased traffic along Winslow Road generated by the development, these measures should help to encourage active travel through the site and stimulate onward use of public transport. These would be secured through the Section 278 process. The prices of bus fares is not strictly a material planning consideration, nor can the LPA enforce or provide a guarantee of a particular level of service provision; the development would however facilitates public transport links.

7.39 When having regard to the above considerations, the proposal is judged to be such which would demonstrate that local highway network could absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network, as well as, on balance and subject to further details, being designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space throughout. When having regards to the expectations of the Core Strategy for this strategic site, it is considered that the development would provide sustainable pedestrian and cycle links which are generally satisfactory to encourage sustainable patterns of movement, as well as facilitating the use of public transport and reducing the reliance of private modes. As such, in terms of access arrangements and overall highway safety and connectivity throughout the site, the proposal in the round can be considered for the most part, to accord with Policy BY1, BY2, MT1 and SS4 of the Core Strategy, as well as the principles outlined in Chapter 9 of the NPPF, in particular Paragraphs 114 – 115 which advises that it should ensure that safe and suitable access can be achieved for all users and that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety.

### **Landscape and visual impact**

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

7.41 The application is accompanied by a Landscape and Visual Impact Appraisal (LVIA), with an addendum to the original supplied as part of the substantive revision to the scheme in 2023. The key conclusions of the LVIA are as follows; -

- Due to the reduction in site area, the overall effects on the landscape character would be highly localised and diminish as distance to the site increases; and
- Due to the reduction in site area, there would be a lesser effect on views from the surrounding countryside (including residential receptors and uses of PRow)

7.42 The site is not subject to any local or national landscape designations. The site falls within NCA 101 – Herefordshire Plateau of the National Character Assessment and within the Timbered Plateau Landscape Character Type of the Herefordshire Landscape Character Assessment (2009). The LVIA acknowledges that the application site lies within the 'Hardwick Hill' zone within Herefordshire Council's Urban Fringe Sensitivity Analysis (2010). This zone is identified as having a 'high' sensitivity.

7.43 As also referenced within the LVIA, the application site contains the remains of a former arable landscape associated with the historic core of the town. Recent residential development (the likes of Winslow Road and associated roads leading off) have extended across this landscape and this has left an abrupt edge between the settlement and the open-countryside. This is captured within the Herefordshire Green Infrastructure Strategy (HGIS) (BroLEZ 3) and broadly informs the area known as Hardwick Bank as identified for residential development through Policy BY2 of the Core Strategy.

- 7.44 In terms of the proposals impact on the character of the landscape, the Council's Built and Natural Environment Team (Landscape) have previously accepted the conclusions of the LVIA which relates to the original scheme of up to -500 dwellings over the original and much larger site. There is general agreement that the development in its current form would extend built form across the site and therefore altering the character at a site level. However, it would read as a natural extension to the existing settlement and edge and therefore would not be discordant with the site's context. There would be an overall minimised impact on receptors given the retraction in the built form and site area compared to the scheme as originally deposited.
- 7.45 In terms of the visual impact of the proposed layout on the development, the Council's Built and Natural Environment Team (Landscape) have raised a number of issues. Firstly, there are concerns surrounding the visual impact of the balancing pond to the northwest of the site, required as part of the surface water strategy. Due to the topography of the site, within the layout currently under consideration there would be a requirement for a retaining feature, indicated at this stage as being a 2.5-metres wall. Although this degree of engineering would invariably present as a potentially oppressive feature within the development, it would be read against a backdrop of residential development and other associated hard landscaping and infrastructure. It is only the acceptability of the layout which is for consideration at this stage. Therefore, although the layout as deposited would require this feature – it would be incumbent on any forthcoming reserved matters application that deals with scale, appearance and landscaping to demonstrate that the feature could be incorporated within the scheme without any discernible visual harm to the landscape. Nevertheless, there would be space within the layout to provide some peripheral / marginal landscaping along the retaining wall.
- 7.46 As previously underlined, the overall layout is considered broadly acceptable, reflecting existing patterns of development found to the east. Building lines and the positioning of plot specific parking and detached garages are generally such which would be conducive to an attractive street-scene but acceptable details submitted pursuant to the remaining reserved matters would be required to ensure that the development would not have an unacceptable visual impact. Some concern has also been raised by the Built and Natural Environment Team (Landscape) with respect to the fact that the submission indicates tree planting to be located within individual respective plots. The submitted illustrative landscape plan however does illustrate significant potential for landscaping strategically located throughout the open-space and along the site's edges – both in the form of new planting and the retention of existing trees and hedgerows. Street trees are indicatively proposed to be located along the spine road and while these are not consistent, it may not be entirely characteristic in this location to insist on a formalised boulevard type arrangement given the distinctively rural and edge of settlement character of the site. Furthermore, it would need to be demonstrated that proposed trees are located appropriately, in accordance with arboricultural guidance to ensure that they establish themselves successfully. In any case, such details would be formally considered as part of landscaping with any forthcoming reserved matters application but crucially, the layout is not considered such which would prejudice an acceptable landscaping strategy for the site.
- 7.47 Comments in terms of the surfacing (roads and footpaths) are noted but these would be considered as part of landscaping at any forthcoming reserved matters application and ultimately, would be subject to meeting an acceptable specification to be submitted as part of details secured by condition and / or for adoption as part of the Section 38 process.
- 7.48 Further details with respect to landscaping throughout the Public Open Space (POS) would again come forward as part of any forthcoming reserved matters application. It is again not considered that the layout as deposited would compromise the ability for a visually attractive public open space to be delivered which encourages use and connectivity thereto.
- 7.49 The applicant has submitted an Arboricultural Impact Assessment which outlines the trees to be removed and those identified for retention as part of the development. Some trees proposed for

removal have been done so on the basis that they are understood to have Ash die-back. In total, 5no trees are proposed for removal, with 8no. being affected (development encroaching onto root protection areas). The submitted Landscape Technical Note identifies extensive replacement planting opportunities throughout the site.

- 7.50 It should be noted that a group Tree Preservation Order (TPO\_681) has been served by Herefordshire Council, this covers 12no. individual trees and 4no. groups of trees within the bounds of the application site. The applicant contests this on the basis that three of the trees covered by the TPO are identified for removal in order to facilitate development. These are located within the POS and due to alleged die-back, their removal is considered necessary to ensure that publicly accessible areas are safe. It is noted that there are separate processes available to the applicant for challenging the TPO / applying for its (partial removal). Therefore, the granting of this outline planning permission would not hinder the applicant's ability to seek removal of these trees should there be considered a safety implication requiring such. Otherwise, the trees covered by the TPO would not conflict with the layout under consideration.
- 7.51 Therefore, when considering both the impact of the development on the character of the landscape as well as overall visual amenity, the quantum of development proposed together considering the revised layout is not considered such which would give rise to any discernible tension with Policy LD1 of the Core Strategy. It would allow for development that both respects the townscape, landscape and green infrastructure of the area, as well as enabling landscape buffers to mitigate the impact of the development on the wider landscape. The proposal is therefore in accordance with the expectations of Policy BY2 of the Core Strategy.

### **Public open space**

- 7.52 Policy OS1 and OS2 of the Core Strategy require the provision of open space. Open space requirements from all new developments are to be considered on a site by site basis and in accordance with all applicable set standards. In this instance, due to the scale of the development there is a requirement to provide onsite play / open space provision. Policy BY2 of the Core Strategy states that a new formal park should form part of the residential development, complemented by new play and sports facilities and allotments.
- 7.53 The layout of the site allows for an extensive POS (in total amounting to 0.23ha) which would feature centrally positioned POS within the development. This enables pedestrian connectivity from the western side of the development (other side of Upper Hardwick Lane) as well as from the spin-road to the south and from pedestrian connectivity routes taken from the end of residential roads. The park and open-space would take advantage of the topography of the site in order for abutting residential development to provide natural surveillance. Children's play has been sited throughout the site, increasing connectivity and overall multi-functionality. Maintenance and management would be secured by way of the Section 106 agreement and the landscaping, scale and appearance of these elements would be considered as part of any forthcoming reserved matters application(s).
- 7.54 Allotments and community gardens are suitably located throughout the site and the management of these would also be secured through the Section 106 agreement.
- 7.55 The provision is considered such which complies with the requirements of Core Strategy policies OS1, OS2 and BY2.

### **Public rights of way**

- 7.56 PRoW WN2 runs north and then west through the northeastern part of the site. The layout under consideration would impact on the current definitive route of the PRoW. In such circumstances, the applicant would need to obtain a separate consent in respect of the rerouting of the PRoW. This process would take place outside, and separate to the determination of this application and

should any issues arise which result in changes to the PRow not being supported, the applicant would have to seek alterations to the approved layout utilising the most appropriate mechanism depending on the scale and nature of the required changes. It is important to emphasise that the granting of planning permission does not override this other legislation (Highways Act). As such, any concerns relating to the impact of the layout on the existing PRow should not delay the determination of this planning application, nor would it be reasonable to refuse the application on that basis.

- 7.57 As above outlined, the development looks to utilise WN2 as an off-site connection where it runs along the southern boundary of the site and provides access to Damson Tree Close. Although it is not possible to widen this relatively narrow link, the proposal would upgrade this to tarmac surfacing which would make it more user-friendly for pedestrians and provide an alternative link to the 3-metre pedestrian-cycle way which links the site with Cherry Tree Close at St Peter's Primary School.

### **Impact on residential amenity**

- 7.58 Policy SD1 of the Core Strategy seeks to ensure development does not give rise to any adverse impacts on the amenity of existing or future occupiers. For a residential scheme, this could be as a result of overlooking, overshadowing and loss of light. Additionally, during the construction phase there could be impacts in terms of noise, dust and other pollution.
- 7.59 The NPPF recognises the need to make efficient use of land, whilst ensuring safe and healthy living conditions and that developments should create safe, inclusive and accessible places that promote health and well-being with a high standard of amenity for existing and future users – where crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.60 Development on the site has the potential to impact on existing residents, particularly where residential development is to be positioned close to the boundary with existing dwellings. The scale and mass of any building sited within close proximity to existing dwellings may result in development that would appear overbearing and obtrusive or result in a loss of light. In addition first floor windows in the elevations of any new buildings sited close to existing properties might result in unacceptable overlooking and a loss of privacy.
- 7.61 In this case, layout it to be considered as part of this outline application. The area in which proposed development is to be located closest to existing residential properties is to the north of Hardwick Close and Damson Tree Close. Whilst Herefordshire Council does not currently have any guidance on spatial standards for housing, typically distances of between 21 and 23-metres between the rear and opposing dwellings are used for assessing whether there would be any loss of privacy (and slightly less between the rear of a dwelling and a side gable-end wall).
- 7.62 In terms of Hardwick Close, the closest arrangement would be 16-metres between No 31. Hardwick Close and the proposed dwelling positioned to the corner of Upper Hardwick Lane and the spine road. This would likely be a gable-end / rear of dwelling arrangement and the impact would be mitigated through the retention of the existing boundary trees and vegetation which could be further considered as part of any reserved matters application relating to scale and landscaping. A similar arrangement and distance would be present to the north of No. 16 Hardwick Close. Here, there is currently less robust boundary vegetation with a post and wire fence at the end of Upper Hardwick Close providing extensive views into the site. As indicated on the illustrative site masterplan, in this location a landscape buffer is proposed and this would go some way in diminishing the impact of the new development to the immediate north.
- 7.63 Other rear to rear opposing distances would be in excess of 21-metres at both Hardwick Close and Damson Tree Close. There would much greater separation between existing properties along the west of Hardwick Close and Flaggoners Close, in-part a consequence of Upper Hardwick



Lane which intervenes and provides additional screening / barriers between new development and existing properties.

- 7.64 Within the site, distances between properties vary but are broadly acceptable. Rear to rear distances between the properties in the cluster to the immediate west of the school expansion land are around 16-metres and there are a small number of other areas throughout the development where the layout indicates less than what may *usually* be considered as an acceptable separation distances. However, details of scale, appearance and landscaping are reserved for future consideration. It is not considered that the layout is such which would prohibit acceptable levels of amenity being afforded to future occupiers and it would be dependent on appropriate scale and fenestration arrangements. In the absence of any supplementary guidance on this matter, it is not considered that refusal of the application on grounds of amenity when solely considering layout would be adequately substantiated.
- 7.65 Whilst concern in respect of the loss of views is understood, it is a well-established principle that there is no right to a private view and the loss of such is not a material planning consideration. This issue is not material to decision-making and must not be attributed any weight.
- 7.66 In terms of the impact of the existing acoustic environment on future occupiers, the Council's Environmental Health (Noise) Team have not raised any notable objection to the proposal. The development would be set well back from the A44, principally due to topographical and landscape constraints and this means that no proposed dwellings would be positioned proximal to the A44. There is an existing telecommunications mast located to the far southwestern corner of the site and this has been recorded to emanate some sound. This has not been identified as a cause for concern by the Environmental Health Team and the proposed dwellings would be positioned roughly equidistant from the mast as is Stonehouse Farm to the south. However, to ensure acceptable standards of amenity, safeguarding conditions are recommended which seek further details to ensure internal habitable accommodation is subject to acceptable levels of noise.
- 7.67 A construction management plan for each phase condition has been recommended in order to control and minimise disturbance during the construction phase, given the proximity of the site to residential receptors. Once completed, the development should have no greater implications for noise generation or nuisance than any other residential use.

### **Drainage, flooding and water resources**

- 7.68 Policy SD3 expects that new development comprises effective and sustainable water management in order to reduce flood risk. This includes ensuring that development proposals are located in accordance with the sequential test and exception tests where appropriate, consistent with the overarching guidance and principles as set out within the NPPF. Furthermore, development should include appropriate sustainable drainage systems (SuDS) to manage surface water according to the hydrological setting of the site.
- 7.69 As required, the application is supported by a Flood Risk Assessment (FRA). It confirms that the site is location within Flood Zone 1 which is at the lowest risk of flooding, with the effects of climate change. The site is not at risk of surface water flooding, or from any other sources.
- 7.70 As expected from the layout and any form of development of this quantum, the amount of impermeable area would increase and this can in turn lead to increased runoff rates. In this case, the proposed outfall is to a ditch upstream of the River Frome and therefore any increased flows would lead to flooding on remote agricultural land, away from developed areas. Where there is an increase of impermeable areas, water runs quicker into rivers and streams and this has implications when taking account of receptive volumes, increasing the risk of downstream flooding.

- 7.71 Some limited infiltration testing has been undertaken on site although infiltration is likely only viable in certain isolated areas of the site. Additional testing would be required and supplied as part of further details to highlight where infiltration to ground could be incorporated within the site wide drainage strategy.
- 7.72 On the basis that infiltration is broadly not an option across the site, attenuation basins are proposed with controlled discharge. It is acknowledged that it is difficult due to the topography of the site to size a basin which can store the 100 year + climate change storm. It is therefore proposed to use additional flow controls, and the BBLP Land Drainage Team are satisfied that further details could be provided at a later stage and secured through appropriately worded planning conditions. For example, the strategy could include below ground storage within areas of open space (in the form of geocellular crates) uphill of the attenuation basin, or beneath it. Consideration would need to be given to ensuring that controls are in place to ensure that water from small rain events drains to the basin and is not stored within the creates, otherwise the basin would remain dry which can lead to a number of implications relating to visual impact, overall amenity and adoption.
- 7.73 It should be noted that above ground features would not be adopted by DCWW; therefore the basins would be adopted by Herefordshire Council, or via a private management company and a condition is recommended to secure such details.
- 7.74 Consideration has been given to instances where blockages occur or where rainfall events occur that exceed the capacity of designed strategy. Exceedance routes have been provided which details the overland flows which are considered acceptable. Nevertheless, details would need to be supplied on plans as part of details secured by condition or at any forthcoming reserved matters submission(s).
- 7.75 The BBLP Land Drainage Team have recommended that the applicant engage in discussions with DCWW in achieving a solution which is capable of adoption. Nevertheless, the constraints of the site and the layout as deposited are considered satisfactory to provide comfort that further details could be secured through condition.
- 7.76 In terms of foul water, there would be a requirement to connect to the existing mains sewer served by DCWW within Bromyard. DCWW have advised that there is insufficient capacity in the network to accommodate the development. As required by DCWW, a pre-commencement to facilitate a hydraulic modelling assessment is recommended to be attached to any outline planning permission. This would determine the point of connection following any require reinforcement works to the system.
- 7.77 Some concern has been raised with respect to low water supply issues within the immediate locality, namely Damson Tree Close. DCWW advise that there are existing capacity issues and that the supply system would not be able to serve the development without having a detrimental impact on existing customers' water supply. Therefore, a hydraulic modelling assessment would be required and the potential delivery of reinforcement works as well as the provision of a new water main to serve the development. This is regulated through the relevant sections of the Water Industry Act (1991) and therefore it would be necessary to impose planning conditions relating to matters of potable water supply.
- 7.78 In the round, the proposal development, taking account the layout under consideration is judged as satisfactory insofar further details could be secured at a later stage in order to make the development acceptable from a flood risk and drainage perspective. As such, no tension with Policy SD3 and SD4 is identified.

## **Ecology**



- 7.79 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 7.80 Given the period of time in which the application has been under consideration by the LPA, a number of ecological surveys and updates have been completed over this extended period to reflect any potential changes over time and to ensure that they are relevant for consideration.
- 7.81 As set out in the comments provided by the Principal Built and Natural Environment Team (Ecology), the submission identifies some specific areas of ecological interest throughout the site where there are some small populations of protected species, often associated with existing ecological corridors of trees and hedgerows.
- 7.82 Although the application is made in outline (with access and layout for consideration at this stage), the illustrative plans do indicate the retention or significant amounts of green infrastructure. Indeed, the layout itself assists in adding to the biodiversity of the site through the location of POS along retained green infrastructure and ecology corridors. This is considered sufficient to inform more detailed ecological enhancements which would come forward at a later stage (through conditions or landscaping reserved matter(s)) and ensure accordance with Policy LD2 of the Core Strategy.

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

- 7.83 The application site lies within the hydrological catchment of the River Lugg, which forms part of the River Wye Special Area of Conservation (SAC) currently failing its conservation status as a result of phosphate levels within the river.
- 7.84 As the competent authority, Herefordshire Council is required to complete an Appropriate Assessment of the implications of the plan or project for that site in view of that site's conservation objectives. Regulation 63 (5) directs that the competent authority may agree to the project (i.e. grant planning permission) only after having ascertained that it will not adversely affect the integrity of the European site. Regulation 63 (3) requires consultation and regard to representations made by the relevant statutory body, which in this case is Natural England.
- 7.85 The Applicant in this case has utilised Natural England's 'Nutrient Neutrality Budget Calculator – River Lugg Catchment' to determine that the development would create an annual phosphorus load of 35.08kg TP/year (including 20% buffer) which must be managed against in order to avoid detriment to the River Lugg. The Council's Built and Natural Environment Manager (Ecology) has quality checked and confirmed these figures as accurate.
- 7.86 Noting the above, the Applicant has applied for, and received, an allocation of phosphate credits from Herefordshire Council. In purchasing these credits, the Applicant will be funding the delivery of the wetland project which, in turn, will mitigate for the effects of their development and deliver net betterment to the Lugg. The amount of credits to be purchased must therefore be commensurate with the impact that requires mitigation. The Council's Phosphate Credit Pricing and Allocation Policy April (2022) sets a charge of £14,000 per Kg of phosphate generated. Based upon the annual phosphorus load of 35.08kg TP/year, the Applicant is required to purchase credits to the value of £491,120. This would be secured by a Section 106 legal agreement.
- 7.87 The Council continues to explore the option with the applicants to offer a phased approach to the purchase of the credits and the use of Section 106 agreements to be able to facilitate this but this is dependent upon alternative mitigation (such as a further wetland) being progressed. The recommendation below allows some flexibility with this approach to allow for the further exploration of this.

- 7.88 The Council's Built and Natural Environment Team (Ecology) has completed an Appropriate Assessment (**Appendix 5**). This assessment concludes, subject to appropriate mitigation being secured in the form of Phosphate Credits, that the proposal would not give rise to any adverse effects on the integrity of the River Lugg / River Wye SAC. It is therefore the view of the Council, as the competent authority, that the proposed development is nutrient neutral and as such compliant with the Conservation of Habitats Regulations (2017) (as amended) and that there is no conflict with policies LD2 and SD4 of Core Strategy.

### **Climate change**

- 7.89 Core Strategy Policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 7.90 Proposals for residential development are considered by the Council to need to help redress the climate emergency, and so notwithstanding the sustainable location of the development thus reducing the need to travel for services, the proposal is considered to need to include measures to support low-carbon ways of living and sustainable modes (as defined by the NPPF). The NPPF sets out that in assessing sites for specific applications for development Local Planning Authorities should ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up. Further to this it looks to ensure development is designed to enable the charging of plug-in and other ultra-low emission vehicles, with such vehicles contributing to the objectives of reducing reliance on fossil fuels and so climate change.
- 7.91 The site is located, as set out above, to deliver sustainable development amongst which includes reducing the need to travel by private car, on the edge of Bromyard. The location lends itself to the ability to walk or cycle to the town centre and other services and facilities nearby including primary and secondary schools.
- 7.92 The development would also deliver substantial open and recreational space within it, secured through a Section 106 agreement with details delivered in matters reserved for future consideration. Accordingly, the proposal is located whereby many day to day functions and journeys by future occupiers could be undertaken without the need to use a private vehicle.

The development includes significant areas of formal and amenity open space along with opportunities for a substantial amount of new planting exceeding previous green coverage on the site with regards to trees, hedgerow and habitats. Precise details would be secured through a combination of the Section 106 agreement and within any subsequent reserved matters application(s), however with regards to the requirements of Policy BY2 of the Core Strategy and illustrative masterplan, it is clear enhancements and gains would be achieved.

- 7.93 Furthermore, the application is supported by an 'Energy and Sustainability Statement' which seeks to demonstrate how the development would achieve optimum energy efficiency and carbon reduction in line with policy requirements and other regulatory standards. A 'fabric first' approach is proposed, incorporating high standards of thermal insulation, airtightness, and thermal bridging together with efficient heating and lighting systems. It also appraises the feasibility of low carbon and renewable energy systems. With this, it advises that air source heat pumps are likely the best option for delivering low carbon heating to all dwellings. Solar photovoltaic systems would be feasible for the development and would make efficient use of south facing elevations throughout the development.

## Affordable Housing / Housing Mix

- 7.94 Policy H1 of the Core Strategy sets the threshold for the delivery of affordable housing at sites of more than 10 dwellings. Policy H3 expects development to provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities and as set out through Policy BY2, this means providing a target of 40% affordable housing.
- 7.95 The proposal looks to provide 125 open-market dwellings (50%) and 125 affordable dwellings (50%) which is inclusive of 25 (10%) additionality grant funded units on top of the target 40% otherwise provided as part of the development.
- 7.96 In terms of open-market provision, the mix provided would be 15% 2-bedroom (houses and bungalows), 65% 3-bedroom and 20% 4-bedroom. When having regard to the Herefordshire Housing Market Area Needs Assessment 2021 (HMANA) for Bromyard (Urban) Housing Market Area (HMA), the mix as deposited is slightly skewed towards the larger bedroom numbers but is generally responsive to the overall HMA need and would include the provision of both houses and bungalows which, in context of limited housing delivery within Bromyard through the plan period so far, is acknowledged as an overall benefit with the HC Strategic Housing Team raising no objection in this regard.
- 7.97 In terms of the affordable rented provision (45 units), this would come forward as 18% 1-bedroom (flats and maisonettes), 42% 2-bedroom (flats, bungalows and houses), 22% 3-bedroom and 18% 4-bedroom. This is broadly considered an appropriate mix and although there is some disagreement in the submission with the HC Strategic Housing Team with respect to the provision of 1-bedroom accommodation (especially in terms of flats), the mix as deposited does respond to the HMANA in which Policy BY2 directs to, irrespective of potential more recent demand changes. Concerns with respect to maintenance and associated perceived disbenefit of flatted accommodation are noted but this is considered a management issue of any forthcoming registered provider and cannot of itself substantiate the overall resistance of such affordable provision.
- 7.98 30no. units of shared ownership homes would be provided at a 50:50 split between 3 and 4-bedroom. A policy compliant (25) amount of First Homes would be provided in the way of 19 2-bedroom, 5 3-bedroom and 1 4-bedroom.
- 7.99 As required, the additionality grant funded units would be tender neutral and would be agreed based on up to date evidenced local need between the LPA and any registered provider. If these additional affordable units are not delivered as such, the dwellings would be provided as open-market and contributions would be sought on these units (this requiring a variation to any approved outline planning permission given the consideration and approval of layout at this stage).
- 7.100 It should be noted that the proposed 2 out of 6 of the 2-bedroom bungalows proposed for affordable rent, have been amended to be M4(3) wheelchair accessible bungalows. The remaining bungalows would be M4(2) accessible and adaptable. It is considered that this broadly demonstrates accordance with Policy H3 as it would provide housing capable of meeting the specific needs of the elderly population.
- 7.101 The layout and tenure plan demonstrates that the affordable provision would be pepper-potted throughout the site and evenly distributed across both Phase 1 and Phase 2 to ensure appropriate and responsive delivery.
- 7.102 The affordable provision which prioritises local connection to Bromyard would be secured through the Section 106 agreement as detailed below, with the housing mix secured by way of planning conditions.

## Section 106 - Planning Contributions

- 7.103 Core Strategy Policy ID1 states that provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where compliant with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as set out in Paragraph 56 of the NPPF, contributions can be sought to mitigate the impacts of development on infrastructure through a planning obligation (Section 106 agreement). To meet the tests obligations must satisfy all of the following:
- 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.
- 7.104 To mitigate impacts on infrastructure contributions are considered to meet these tests in respect of highways, education, open space and by the Clinical Commissioning Group (GP services). The agreement would also provide for the transfer of the land identified for the expansion of St Peter's Primary School to the LEA.
- 7.105 These contributions are set out within the draft Section 106 agreement and also includes the mechanism for the securing of the requisite purchase and allocation of phosphate credits to mitigate the phosphate impacts of the development as above set out. A summary is set out below in **Figure 3**.

Infrastructure	Quantum of contribution
Affordable Housing	<b>40%</b> 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 <b>£375.36 (index linked)</b> per dwelling to provide infrastructure for the provision of primary and community healthcare services in Bromyard.
Education contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> <li>• <b>£4,566.00 (index linked)</b> per 2 bedroom open market dwelling</li> <li>• <b>£4,566.00 (index linked)</b> per 3 bedroom open market dwelling</li> <li>• <b>£8,798.00 (index linked)</b> per 4 bedroom open market dwelling</li> </ul> <p>to provide the education facilities at Bromyard Early 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"> <li>• <b>£3,063.00 (index linked)</b> per 2 bedroom open market dwelling</li> <li>• <b>£3,063.00 (index linked)</b> per 3 bedroom open market dwelling</li> </ul>

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

	<ul style="list-style-type: none"> <li>• <b>£5,018.00 (index linked)</b> per 4 bedroom open market dwelling</li> </ul>
Recycling and waste contribution	A financial contribution of <b>£80.00 (index linked)</b> per dwelling to provide 1 x black bin and 1 x green bin
Sports contribution	A financial contribution of <b>£1,398.00 (index linked)</b> per open market dwelling to provide sports facilities for football, cricket, rugby, tennis, shooting, archery and skate park in Bromyard
Transport contribution	<p>A financial contribution of;</p> <ul style="list-style-type: none"> <li>• <b>£2,458.00 (index linked)</b> per 2 bedroom open market dwelling</li> <li>• <b>£3,690.00 (index linked)</b> per 3 bedroom open market dwelling</li> <li>• <b>£4,917.00 (index linked)</b> per 4 bedroom open market dwelling</li> </ul> <p>The monies shall be used by Herefordshire Council towards the costs of public realm improvements and supporting active travel measures.</p>
On site Public Open Space and Play	<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"> <li>• 0.23 ha (2300sqm) of Public Open Space (@ 0.4ha per 1000 population)</li> <li>• 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) <b>to the value of £182,000.00</b></li> </ul> <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"> <li>• <b>35.08kg = £491,120.00</b></li> </ul>

**Figure 3 – Summary draft Heads of Terms**

**Other matters**

7.106 Received representation has raised concerns with respect to the widening of the footway between upper Hardwick Lane and Winslow Road insofar that it would encroach onto private property. Footway provision along this stretch has been omitted from the proposal but nevertheless it should be noted that the LHA have been to site to measure and it is confirmed that the improvements could be accommodated within highway land. In any case, notwithstanding the existing structures (steps etc.) that exist here, adverse possession cannot be claimed for highway land.

**CONCLUSION**

- 7.107 The proposed development forms part of a strategic site and would deliver 250 dwellings, the minimum requirement for the site as a whole. The site is within easy reach of the market town of Bromyard, the local highway network and existing services and facilities within the town. It is therefore considered to be a sustainable location. The proposed layout is considered broadly acceptable whereby it would provide, and allow for, the requisite level of open-space and associated infrastructure without compromising visual amenity or resulting in any notable adverse landscape impacts. Highways and connectivity matters have largely been satisfactorily resolved; the proposal would enable active travel links to surrounding residential areas and services and facilities and; would not sterilise the ability for further development of the remainder of the strategic site.
- 7.108 The development would give rise to both social and economic benefits which would include but not be limited to the initial boost to the local economy during the construction phase, albeit the extent and magnitude of this cannot be guaranteed. There would however be inevitable spend from future occupiers and additional dwellings to increase choice within the market including affordable provision. The securing of an appropriate mix of open-market and affordable housing would also help to contribute towards a mixed and balanced community.
- 7.109 Financial contributions would also be secured and these would provide for additional local infrastructure capacity where required, including local education and GP provision, noting acknowledged strains. In the context of local concerns with respect to capacity, this is considered to be a benefit of the development.
- 7.110 Subject to a well-considered reserved matters application(s), it is reasonable to conclude that there would be no discernible adverse environmental impacts; or if any do arise, that they would be of such insufficient magnitude to outweigh the benefits of providing residential development, including affordable housing, in a sustainable location.
- 7.111 The proposals are considered to represent sustainable development and are generally in accordance with the development plan. Consequently the 'presumption in favour' set out in local and national planning policy applies. Approval is therefore recommended subject to the conditions and a legal agreement providing for affordable housing (and other) contributions, including the purchase of phosphate credits from Herefordshire Council to make the development nutrient neutral.

## **RECOMMENDATION**

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

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

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

### **Standard**

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

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

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

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

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

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

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

- 0687-101 A Amended Location Plan
- 332310017-STN-HDG-XX-DR-CH-0571-P01 Long Section West Pond
- 332310017-STN-HDG-XX-DR-CH-0572-P02 Long Section South Pond
- 332310017-STN-HML-XX-DR-CH-0110-P03 Engineering Strategy
- 332310017-STN-HML-XX-DR-CH-0111-P03 Engineering Strategy
- 332310017-STN-HML-XX-DR-CH-0112-P03 Engineering Strategy
- 0687-102 B-A0L Composite Planning Layout
- 0687-102-1 B Planning Layout-A0L
- 0687-102-2 B Planning Layout-A0L
- 0687-104-1 B External Works Layout-A0L
- 0687-104-2 B External Works Layout-A0L
- 0687-104-3 B External Works Layout-A0L
- 0687-104-4 B External Works Layout-A0L
- 0687-104-5 B External Works Layout-A0L
- 0687-104-6 B External Works Layout-A0L
- 0687-104-7 B External Works Layout-A0L
- 0687-104-8 B External Works Layout-A0L
- 0687-111-1 B Refuse Strategy Plan-A0L
- 0687-111-2 B Refuse Strategy Plan-A0L
- 0687-112 B Tenure Allocation Plan-A0L
- 0687-113 B Land Budget Plan-A1P
- 0687-114 B Phasing Plan-A0L
- 332310017-STN-HML-XX-DR-CH-0014-P07 Section 278 Plan
- 332310017-STN-HML-XX-DR-CH-0151- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0152- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0153- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0154- P02 Swept Path Analysis
- 332310017/6001/001 Proposed A44 Site Access Junction Layout

except where otherwise stipulated or approved by conditions attached to this permission

**Reason.** To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy MT1 and BY2 of the

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

### Pre-commencement

**5** Prior to the commencement of development of any phase, a Detailed Development Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority identifying the phasing, if any, for the development and shall specify the following;

- Residential phases
- Timing of delivery of on-site highway works (including but not limited to on-site roads, footways, cycleways)
- Timing of delivery of offsite highways improvements
- Timing of delivery of public open space
- Timing of delivery of public open space
- Delivery of drainage infrastructure
- Procedures for amending the phasing plan if subsequently deemed necessary

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

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

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

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

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

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

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform to the requirements of Policy MT1, LD1 and LD2 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

**Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1, LD1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

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

**i. Aims and objectives of the scheme;**

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

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

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

**v. The LEMP shall require the collection and removal of any plastic tree guards on**

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

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

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

viii. Those responsible for implementation of the scheme

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

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

14 No development shall commence for that phase, until a Construction Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The objective of the plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development is dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but may not be limited to:

I. a description of the likely quantity and nature of waste streams that will be generated during construction of the development;

II. measures to monitor and manage waste generated during construction including general procedures for waste classification, handling, reuse, and disposal, use of secondary waste material in construction wherever feasible and reasonable, procedures or dealing with green waste including timber and mulch from clearing activities and measures for reducing demand on water resources;

III. measures to monitor and manage spoil, fill and materials stockpiles, including details of how spoil, fill or material will be handled, stockpiled, reused and disposed of, and locational criteria to guide the placement of stockpiles; and

IV. details of the methods and procedures to manage construction related environmental risks and minimise amenity impacts associated with waste handling

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

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

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

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

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

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

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

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

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

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

17 Development (in each phase) shall not begin until details of including where tree protection shall be erected and works within root protection areas is required, equipment or materials moved on to site, a fully detailed Construction Environmental Management Plan (CEMP) and named 'responsible person', including detailed ecological risk avoidance measures based on current site conditions and all protected species known to be locally present (ecological surveys and site assessments under two years old from date of CEMP and also include:

- Hours of working
- Dust management and mitigation measures
- Storage of materials

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

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

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

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

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

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

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

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

**Pre-occupancy or other stage**

20 With the exception of any site clearance and groundwork no further development for each phase of the development hereby approved shall commence until details

of the play facilities proposed for that respective phase have been submitted and approved in writing. These details should include:

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

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

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

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

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

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

The works shall be carried out in accordance with the approved details prior to the occupation of the dwelling to which it serves.

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

- 23 Prior to the first occupation of any phase of the development hereby approved, a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on

the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually until all dwellings are occupied.

All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

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

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

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

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

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

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

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

- a) a map or plan indicating the management responsibility of each respective area of the proposed development.
- b) a schedule of implementation and maintenance of non-private landscaped areas / open space
- c) Delivery and maintenance shall be carried out in accordance with this approved details.

Reason: To ensure the implementation and future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and and to ensure that the development complies with the requirements of Policy BY1, LD1,

**and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework**

**Compliance**

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

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

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

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

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

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

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

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

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

- 31 The Remediation Scheme, as approved pursuant to Condition 16 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that**



all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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

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

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

EDP - Arboricultural Impact Assessment - edp2364\_r012b

Reason: To ensure that the development is carried out only as approved by the Local Planning Authority and to conform with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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

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

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

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

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

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

- 36 For a period of 5 years from the date of this permission, should development to the south of the A44 and / or the extension of the Hardwick Bank Strategic in an easterly direction to Tenbury Road be permitted, a 3-metre wide strip of land on the eastern side of the access road between the A44 and the shared footway/cycleway along the spine road shall be made available for adoption by Herefordshire Council and shall be kept free of development and any landscaping, in order to provide links to the wider network.**

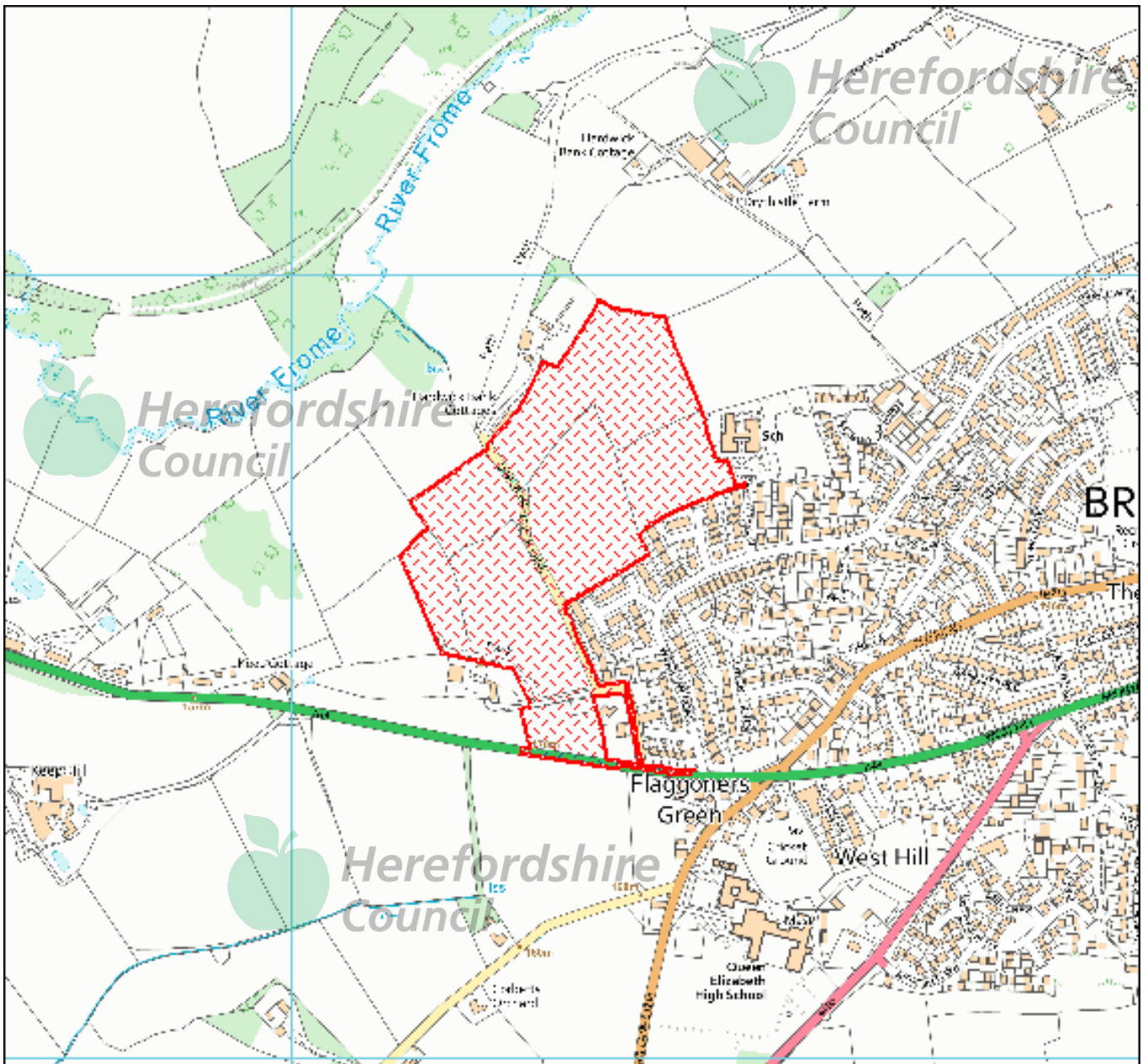
**Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

### **Background Papers**

None identified.

### **List of Appendices:**

- Appendix 1** – Local Highway Authority comments dated 6 October 2023
- Appendix 2** – BBLP Land Drainage comments dated 20 December 2023
- Appendix 3** – BBLP Land Drainage comments dated 28 November 2023
- Appendix 4** – BBLP Land Drainage comments dated 18 July 2023
- Appendix 5** – Habitat Regulations Assessment



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** 163932

**SITE ADDRESS :** LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE

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