

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	17 JULY 2024
TITLE OF REPORT:	163932 - PENDING S106 AGREEMENT - OUTLINE PLANNING APPLICATION FOR A SUSTAINABLE URBAN EXTENSION COMPRISING: UP-TO 250 DWELLINGS; OPEN SPACE, ALLOTMENTS AND LANDSCAPING; SCHOOL EXPANSION LAND; AREAS OF CHILDREN'S PLAY; SUSTAINABLE URBAN DRAINAGE INFRASTRUCTURE; INTERNAL ROADS; AND ASSOCIATED INFRASTRUCTURE. DETAILED APPROVAL IS SOUGHT FOR AT LAND AT HARDWICK BANK, BROMYARD, HEREFORDSHIRE For: The Owner and/or Occupier per Russell Smith, 119 Promenade, Cheltenham, GL50 1NW
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=163932&search-term=163932
Reason Application submitted to Committee – Officer Request for amendment to resolution	

Date Received: 7 December 2016 Ward: Bromyard West Parish: Bromyard

Expiry Date: 30 November 2023

Local Member: Cllr Clare Davies (Bromyard West)

1.0 INTRODUCTION

- 1.1 The purpose of the report is to seek authorisation from the Planning & Regulatory Committee to agree a further 4 months from the date of the Planning Committee, to finalise and complete a Section 106 agreement pertaining to application 163932.
- 1.2 It should be noted that there are no changes to the proposed development. Members should refer to the Officer Report considered by the Planning Committee on 17 January 2024 (**Appendix 1**).
- 1.3 The minutes of the Planning Committee meeting with respect to this application are accessible via the Herefordshire Council website and the following link; -
<https://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=264&MId=8915&Ver=4>

2.0 Extension of time for Section 106 negotiations

- 2.1 This Planning & Regulatory Committee resolved, on 17 January 2024, *that subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement within 6 months of the date of Planning Committee to secure:*

- *Contributions as set out / requires*

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

- *Purchase of Phosphate Credits (in full or phased)*

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

Therefore, the resolution has given authorisation to negotiation a Section 106 agreement and ensure its completion within 6 months of the date of the Planning Committee. This is generally common practice and as to assist in the issuing of decisions expeditiously. However, from time-to-time, issues arising with signing agreements, owing to ongoing discussions, which result in delay.

In this particular case, since the date of the resolution, progress has been made. However, discussions are ongoing with respect to the obligations related to the purchase of phosphate credits. The Council are in the process of reviewing the position and preferred approach to the purchase of the required credits as advanced by the applicant.

At present, officers have no authority to negotiate past the 6-month period (expiring 17 July 2024), as the Planning & Regulatory Committee's resolution directs that the application may be refused permission in the event that they are not completed within time.

Officers support and would request this reasonable period of time and note that an agreement is in circulation with ongoing dialogue between the applicant and the authority. This extension will enable continued negotiation on the Section 106 agreement, to facilitate outline planning permission being granted for the strategic site.

3.0 CONCLUSION

- 3.1 In conclusion, while progress has been made on the Section 106 agreement since the committee's resolution on 17 January 2024, ongoing discussions regarding phosphate credits have caused delays. Given that officers currently lack the authority to extend negotiations beyond the 6-month period, it is recommended to allow a further reasonable period for negotiation. This would support the granting of outline planning permission for this strategic site

RECOMMENDATION

That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement by 17 November 2024 to secure

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

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

If the agreement is not completed by 17 November 2024, but reasonable progress has been made, delegated authority is granted to the Development Management Service Manager to continue negotiation and finalise the agreement and issue the decision.

However, if in liaison with the Ward Councillor and Chairperson of the Planning and Regulatory Committee it is the opinion of the Development Management Service Manager that no progress has been made by 17 November 2024, the application may be refused based on the failure to complete a Section 106 agreement, which is considered necessary to mitigate the impacts of the development and to ensure the delivery of affordable housing. In the absence of such an agreement the proposal is contrary to Policy

ID1 of the Herefordshire Local Plan – Core Strategy and the Council’s Supplementary Planning Document – Planning Obligations.

Standard

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

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

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

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

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

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

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

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

- 332310017-STN-HML-XX-DR-CH-0151- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0152- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0153- P03 Swept Path Analysis
- 332310017-STN-HML-XX-DR-CH-0154- P02 Swept Path Analysis
- 332310017/6001/001 Proposed A44 Site Access Junction Layout

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

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy MT1 and BY2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Pre-commencement

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

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

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

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

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

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

- Infiltration testing to support the optimum 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

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- 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 to ensure that the development complies with the requirements of Policy BY1, LD1, and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework

Compliance

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

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

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

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

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

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

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

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

the mix of housing delivered shall be in accordance with the approved revised scheme.

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

- 31** The Remediation Scheme, as approved pursuant to Condition 16 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

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

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

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

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

EDP - Arboricultural Impact Assessment - edp2364_r012b

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

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

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

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

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

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

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

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

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

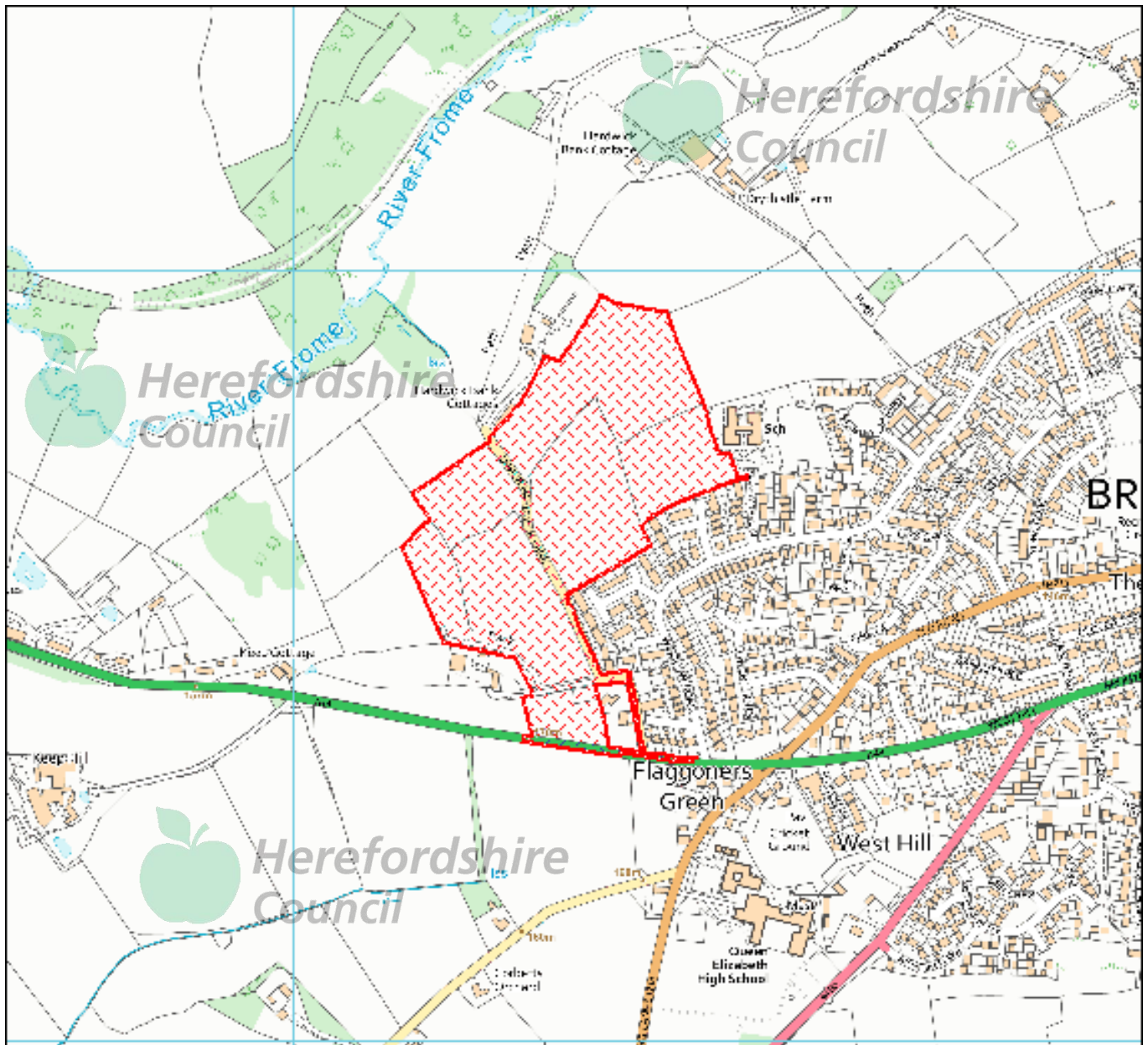
Reason: To enable future connectivity and to safeguard against the sterilisation of wider development and future land uses within Bromyard through the plan period and in the interests of encouraging active travel, in accordance with Policy BY1, BY2, MT1 and SS4 of the Herefordshire Local Plan – Core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

Background Papers

None identified.

List of Appendices:

Appendix 1 – Officer Report (17 January 2024)



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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