

Supplement to the agenda for

Planning and regulatory committee

Wednesday 13 November 2019

10.00 am

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

Schedule of Updates

Public Speakers

Pages

3 - 12

13 - 14

PLANNING AND REGULATORY COMMITTEE

Date: 13 November 2019

Morning

Schedule of Committee Updates/Additional Representations

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

SCHEDULE OF COMMITTEE UPDATES

171532 – SITE FOR A MIXED USE DEVELOPMENT INCLUDING THE ERECTION OF UP TO 625 NEW HOMES (INCLUDING AFFORDABLE HOUSING), UP TO 2.9 HECTARES OF B1 EMPLOYMENT LAND, A CANAL CORRIDOR, PUBLIC OPEN SPACE (INCLUDING A LINEAR PARK), ACCESS, DRAINAGE AND GROUND MODELLING WORKS AND OTHER ASSOCIATED WORKS.

THE PROPOSAL IS FOR OUTLINE PLANNING PERMISSION WITH AT LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE,

For: per Mr Guy Wakefield, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ

ADDITIONAL INFORMATION

For Members reference, the Dymock Road Public inquiry Appeal Decision can be viewed in full at –

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=184032&search=dymock%20road

The development proposed was the erection of up to 420 dwellings with public open space, land for community facilities, landscaping and sustainable drainage system (SuDS) with all matters reserved save for access.

The appeal was dismissed, and planning permission was refused.

ADDITIONAL REPRESENTATIONS

The **applicants** have responded to Ledbury Town Council's commissioned Transport Assessment by Transport Planning Associates (TPA), received 1 November 2019. PJA on behalf of the applicant provide a detailed 125 page response which can be viewed in full at –

<https://myaccount.herefordshire.gov.uk/documents?id=4fc976d0-055c-11ea-b510-0050569f00ae>

The Conclusions of the response are as follows –

As stated within paragraph 4.1 of the TPA review ***“In summary, it is considered that the proposals are likely to be acceptable in highways terms, subject to confirmation of a number of matters...”***

The relevant matters have been addressed within this note and the associated appendices which can be accessed using the above weblink, however it is noted:

- The proposed pedestrian and cycle access and infrastructure improvements are deliverable;
- A drawing has been provided which demonstrates that minor alterations to the access design could be made at detailed design stage without requiring additional land or changes to the redline boundary, as noted by TPA;

- The s106 heads of terms allow for contributions to be made towards sustainable transport infrastructure if deemed necessary by Herefordshire Council;
- Suggestions to improve the Travel Plan have been reviewed and can be incorporated subject to the approval of HC through the discharge of conditions process;
- Comments regarding the layout, including the emergency access and access to public transport services have been addressed; and
- The junction models have been revised to incorporate the TPA comments and confirm the previous findings of the TA.

The amendments/updates contained within this note are minor, and do not change the Conclusions drawn by the Transport Assessment and other accompanying documents already considered as part of the application.

On this basis, the development proposals, including the proposed access arrangements, meet the relevant development plan and NPPF policy requirements and are considered to be acceptable. It can therefore be concluded that there is no reason to prevent or refuse planning permission on transport grounds.

Ledbury Area Cycle Forum (LACF) has also written in response to Ledbury Town Council's most recent submission as follows –

When a planning application was anticipated for this site, the LACF researched active travel routes to connect the town and sent detailed proposals to Roland Close by email on 3.5.16 demonstrating with photos (see attached) the easy potential for a valuable desire-line, off-road route connecting to the town via Ballard Close. The email is copied here:

Hello Roland,

Off-road cycle/pedestrian route between the Bloor development site and Ledbury town centre.

I have visited the area across the Hereford Road from Ballard Close (where the old canal tunnels are sited).

Travelling north from Ledbury town centre, the footpath leaves the tarmacked shared-use pathway where it turns L towards Golding Way. The footpath continues straight ahead along a very wide strip of flat ground at the foot of the embankment and then splits. The attached photos should help to explain the land use in this area.

Photos 373 and 374 show how the footpath continues for about 60 m north along a very narrow strip between a hedge and the curtilage of a private dwelling, till it reaches the Hereford Road. To the west of the hedge is public open space. Photos 375, 376, 378 and 379 are views through this public open space going progressively closer to the Hereford Road to the north.*

Photo 382 is a southward view of the entrance to the footpath off the Hereford Road. The public open space is beyond the hedgerow to the west (R) of the stile.

** Cut by a Balfour Beatty team of grass cutters while I was visiting on the morning of May 3.*

A tarmac, shared-use pathway could be provided along this route, or, in order to preserve the large ash tree in the hedgerow, a segregated path could run for the first 60 m (on each side of the hedge) and then conjoin for the rest of the route as far as the existing shared use tarmac pathway. (The change in levels from the Hereford Road to the open space could easily be accommodated.)

As well as this being a highly desirable direct off-road route into town from the Bloor site, it will satisfy the residents of the existing housing on the north side of the Hereford Road who have long petitioned for a traffic-light controlled crossing over the main road.

*Best regards,
Bella Johnson, for the Ledbury Area Cycle Forum*

I understand that Roland forwarded the information to Bloor Homes, and it informed their proposals to include this active travel link in P171532. I am raising this point now, as there appears to be a misinterpretation of the proposals by Ledbury Town Council in its recent submission, stating that the large ash tree obstructs the proposed shared path and means the required width cannot be achieved. **This is not the case because Herefordshire Council own the land to the west of the tree,** and therefore there is additional land already in public ownership, the other side of the hedge, more than adequate to provide the recommended width.

This information was copied widely at the time (admittedly over two years ago) including to the Neighbourhood Development Plan Working Group of the Town Council.

Councillor Harvey disagrees with the above from LACF stating in email dated 11 November 2019 –

Unfortunately it is not the case that Ledbury Town Council and its consultants have misinterpreted the proposals of Bloor Homes as regards the cyclepath/footway access to the town trail to the south of the Hereford Road crossing...as the town council's transport assessment states - requires a significant narrowing of the path (referred to at that point only as a 'footway') at the point where a large tree encroaches on the existing path.

You are quite right in what you say regarding the proximity of amenity land belonging to the council to the west of the existing footway, and as regards correspondence with and information provided to the developer by the previous case officer. However, I am not aware of any request made or agreement given which enables the full width cycle and footpath access which you have requested.

This is a serious matter as regards the deliverability of safe and sustainable modes of travel to and from the site, hence the concern raised by the Town Council and its advisors.

Clearly there is a potential solution to this issue, but it involves the loss of publicly owned amenity space and should properly follow some form of consultation and agreement process ... which hasn't taken place. I hope there is some way round this unfortunate issue which can be agreed so that acceptable and 'satisfactory' site access can be achieved and that outline planning consent might be agranted.

Further to these matters raised by LACF, above, and Councillor Harvey the **applicants** responds regarding the proposed improvements to Ledbury Footpath ZB18 to provide a shared pedestrian / cycle route between Hereford Road and Golding Way as follows –

Prior to the application submission, the Cycle Forum suggested that a '*tarmac, shared-use pathway could be provided along this route*'. The drawings submitted with the application provide such a route. The route is narrowed over a very short distance by the presence of a mature ash tree. Given that it would be preferable to retain the tree, it is proposed that the path would narrow to a width of approximately 1.5m over a distance of approximately 3m.

This narrowing is acceptable when assessed against the Government's Inclusive Mobility guidance, which advises that narrowings, where there is an obstacle, should have an absolute minimum width of 1.0m over a maximum length of 6m.

Notwithstanding the technical acceptability of the proposals, the preliminary design presented within the submitted drawings would be expected to evolve at detailed design stage. At the Council's preference, the tree could either be felled, providing a wider path, or the path could potentially split either side of the tree.

In this scenario, further land owned by Herefordshire Council would be required. In June 2018, it was confirmed by Herefordshire Council, that the Cabinet Member in consultation with the Ward and adjoining Member agreed to the dedication of such land that may be necessary to facilitate the upgrade to the proposed route if planning permission were to be granted.

This position is evidenced in writing by an email from the relevant officer on 19 June 2018 as follows –

Further to recent correspondence, I write to confirm that the Cabinet Member in consultation with the Ward and adjoining Member has agreed in principle to agree the dedication of such land as may be necessary to facilitate the signalised junction at the Hereford Road / Bromyard Road in addition to the upgrade of PRow ZB18 IF planning permission were to be granted by Herefordshire Council or by the Secretary of State on appeal. This is on the basis that in such a scenario the Council would wish to facilitate the best possible junction arrangements at the Hereford Road / Bromyard Road junction.

I trust this clarifies the position and enables you to progress the planning application.

[It is noted the Ward Member referenced was and is Councillor Harvey.]

On this basis it is clear that the development proposals satisfy the relevant national and local policy requirements regarding access and sustainable travel.

Councillor Harvey raised a number of queries and points of clarification as *italicised* below, on 10 November 2019. The applicant has responded to these as follows, in turn –

“It was stated in the Gladman appeal that Bloor had stated they were not anticipating having fully built out their site by 2031. Please could you confirm the proportion of the site they expect to have completed by 2031 according to their own application, and where in the documentation I might find this figure.

The traffic modelling states that it is only considering traffic generated by the site out to 2031.

Please will you then confirm that this means the traffic modelling does not fully take into account the number of houses and employment trips for which permission is being sought (625 houses + 3ha of high job density employment land).”

- For the avoidance of any doubt, the assessment considers traffic generated by the full development as described within the planning application description – 625 dwellings and 2.9 hectares of employment land.
- The assessment also takes into account forecast growth in existing traffic levels until 2031. This is to account for other planned development within the Core Strategy, plus any committed development and general population increases during this period.
- If the proposed development is not completed by 2031, this will not change the outcome of the assessment. The assessment considers the robust case where the full development is
- completed, and so there is the highest volume of traffic on the local road network.

- This approach has been reviewed and confirmed to be acceptable within Section 2.2 of the TPA review note commissioned by the Town Council.

“Where in the modelling can I find the figures which forecast the station junction operation w.r.t. its design capacity and the predicted delay and tail-back when the site is fully built out ... whenever that might be.”

- The modelling results are presented within Section 9.4 of the Transport Assessment. On the
- Bromyard Road arm, the modelling predicts a maximum queue of 17 vehicles with an average delay per vehicle of 33 – 35 seconds.

“I am confused that such a large number of the vehicles currently travelling up the Bromyard Road are being assumed in the model to drive out beyond the development site rather than finish their journeys at employment sites along the Bromyard Road. Can you confirm that this vehicle behaviour is backed up by actual counts done on the road beyond the site entrance location.”

- The Transport Assessment modelling is based upon traffic counts at the Bromyard Road /
- Hereford Road junction and at the Bromyard Road / Beggar’s Ash junction.
- 1.1.8 The TPA Review commissioned by the Town Council did not raise any issues with this approach.

“Given the statements in the Gladman appeal by our education team concerning the proportion of children in Ledbury who attend out of town primary and secondary schools – please can you confirm that these school trips by car are also included in the modelling at least at peak a.m. travel times.”

The modelling includes all car trips from the site, including those for education purposes.

Please can you also identify where the A5103 is precisely – which is referenced at para 2.1.2 in the email from Mr Wakefield dated 16 October. I can only find it in Manchester via Google Maps!

- this is a typographical error and the report should state A4103.

“Where is the modelling supposing that ‘Little Malvern’ is – and why has this been chosen as a destination for people rat running through the AONB?”

- ‘Little Malvern’ is a proxy for Malvern Wells, however in the context of Section 5.3.10 of the TA where it is referenced, this is a typographical error and the paragraph should read (wrt Knapp Lane / Cut Throat Lane) – ‘this road offers an alternative route between the site and Malvern or Worcester’.
- It should again be noted that the TPA Review agreed that the level of trips on the rural routes identified would not be considered significant and does not warrant further assessment.

Two further letters of representation and objection have been received. Nothing new that has not already been raised by representations received is added, however comments are summarised as –

- The community have made it abundantly clear that there is a need for a second access point and it should be under the railway viaduct/ Hereford roundabout.
- Traffic generated by 625 houses onto the Bromyard road will cause problems at the railway bridge at the junction of the Bromyard and Hereford roads.
- The developers should make the necessary funds available.

- The proposed canal corridor will terminate at the rear of residences in Saxon way and will not be extended until future funding is available. This will not happen for many years thus resulting in a large volume of stagnant water attracting litter and offensive odours.
- Homeowners will be required to notify insurance companies that their properties are now located much closer to water. Canals do not normally pose a flood risk but due to the termination point in this application proposal this risk is unknown
- The funds for the canal would be more beneficial if used to improve the local infrastructure

A further **objector** writes concerned about accuracy of the Transport Assessment *The BWB transport assessment says “To assess which route is the quickest, most direct and most attractive route the travel time, distance and layout of each route has been assessed. This has been reviewed for travel between Ledbury and Little Malvern.”*

Residents did not ask for an assessment of traffic to Little Malvern, it has an extremely small population, is not readily accessible from rat runs and is not a critical point on route to key destinations.

Residents asked for assessment of traffic to Great Malvern, there is a clue in the name! This is appropriate because Great Malvern is a major centre of population with many public facilities, the route passes through the large village of Colwall, and Great Malvern is on route to Worcester and to the M5 going north. Furthermore all the cumulative delays in Ledbury must be take into account; that is all of station junction, Knapp lane turn-off with its consequent frequent delays on the main road, pedestrian crossings and top cross traffic lights which cumulatively make the rat runs through the AONB attractive at all times and especially at rush hours.

A **letter of objection** was handed to Officers at the Committee Site visit raising concern regarding development on permeable land, flooding and the proposed canal creating an area of standing water.

John Masefield High School resubmitted its comments. The representation is reflected in the Committee report at section 5.12.

OFFICER COMMENTS

Officers and the Transportation Department have reviewed the TPA Technical Note (TN1 – review of planning submission) that was prepared on behalf of Ledbury Town Council, and also PJA’s response provided in the form of a Technical Note (Titled - Town Council Review – Summary Response Note)

TPA concluded that *“the proposals are likely to be acceptable in highway terms, subject to confirmation of a number of matters”*.

The highway authority consider that whilst the matters raised by TPA are worth acknowledgement, the majority of the matters raised can be dealt with during the reserved matters planning application/s. Indeed this would be the normal approach. Other matters highlighted are already covered by conditions.

In terms of the minor issues relating to the traffic modelling of junctions, minor matters raised on these aspects have been considered by PJA who have submitted a technical note clarifying that the issues raised do not make a material difference to the operation or safety of the highway network, and that the minor amendments to the junction can be achieved within either land with the applicants control or the highway boundary. The ultimate design will of course still be subject to detailed design and Highway Authority approval through the s.278 process.

Adopting a pragmatic approach to planning as advocated in national policy, fundamentally, the matters raised by TPA do not materially affect the findings of the Highway Authority from our detailed review of the information submitted by the applicant. PJA's technical note clarifying matters and addressing the issues raised by TPA assists further.

We therefore retain the view, as per our consultation response, that the development proposals do not have a severe impact on the operation or safety of the highway network.

In response to concerns regarding the accuracy of the Transport Assessment, the objector refers to a previous superseded Transport Assessment. The application as assessed before Committee relies on a Transport Assessment by PJA, not the previous BWB assessment. The latter was superseded by work undertaken by PJA and as published on the Council's website, titled with the prefix 'AMENDED' and is dated 8.1.19. For clarity, 'Little Malvern' is a proxy used within the Reports for Malvern Wells.

The Town Council's own independent TPA review has covered the matter as well. Distribution was based upon 2011 census journey to work data for Herefordshire 019 MSOA, this is industry standard and considered acceptable given the location of the site. Four rural routes were identified as potential diversions for traffic produced by the development. TPA, on behalf of Ledbury Town Council, considers the chosen routes and the percentage of trips assigned to them acceptable.

Regarding the footpath and comments from LCAF, Councillor Harvey and the applicant, the applicants' position as recorded above is considered accurate. The applicants worked with Officers at the latter's request, to upgrade this section of footpath. The agreed preferred option is to retain the tree and not remove it and even with its retention, as set out, appropriate technical standards and guidance is still met and an upgraded pedestrian link provided, which should be seen as a positive.

Regarding flood risk and surface water, this is covered in detail within the report and has been assessed by the Council's Drainage Consultants who have no objection. The management of the Canal is subject to conditions which will ensure the amenity vis-à-vis standing water does not compromise adjoining health and amenity.

NO CHANGE TO RECOMMENDATION

191770 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS), PUBLIC OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS. AT LAND EAST OF, CANON PYON ROAD, HEREFORD, HEREFORDSHIRE,

For: Mr A Anderson per Mr Matthew Gray, Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff CF23 8RS

OFFICER COMMENTS

The officer report should read:

Condition 4:

The development shall be carried out strictly in accordance with the approved plans:

Site Location Plan: CSA/3339/112 Rev A

Revised Landscape Strategy: CSA/3339/112C

Topographical Survey:

Schedule of Committee Updates

Sheet 1 of 3 Rev B: AP/3252/02B

Sheet 2 of 3 Rev B: AP/3252/02B

Sheet 3 of 3 Rev B: AP/3252/02B

Development Framework Plan CSA/3339/116 Rev A

except where otherwise stipulated by conditions attached to this permission.

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

Condition 22

Proposals for the number, size and type of the tenure for both open market, affordable and the wheelchair accessible unit shall be submitted to the Local Planning Authority for approval either prior to or as part of any reserved matter application(s) relating to Layout. This scheme shall comprise a schedule outlining the number of 1, 2, 3 and 4 + bed dwellings open market and affordable with regard to the affordable housing the tenure mix shall be provided and the overall mix being in general accord with the Council's Local Housing Market Assessment (or any successor document adopted by the LPA).

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

Condition 25

Prior to the first occupation of each dwelling within any phase of residential development hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy shall be submitted to and approved in writing by the local planning authority and implemented as approved.

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

Additional representation:

The applicant's agent (Asbri Planning) has made additional representation following the publication of the committee report:

Paragraphs 6.6 and 6.89 of the committee report state respectively "...officers have made a detailed assessment of the proposed development against the policies of the Development Plan – that being the Herefordshire Local Plan – Core Strategy and the Neighbourhood Development Plan" (6.6) and "When determining this application, the development plan is comprised of the Core Strategy and the Holmer and Shelwick Neighbourhood Development Plan." (6.89)

As set out elsewhere in the report, the NDP is 'emerging' and was subject to independent examination in October. The key point here is that the NDP is not yet made and as such, for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 it does not form part of the development plan. We would be grateful therefore if paragraphs 6.6 and 6.89 were revised accordingly.

Further, it must be noted, again largely for the benefit of members, that even after examination the NDP still needs to be subject to a referendum before it is 'made', therefore there are still a number of steps and some weeks to go before it is made, when it can form part of the development plan.

As such, whilst the NDP is a material consideration that can be afforded appropriate weight, it does not yet form part of the development plan for the purposes of Section 38(6), and there are a few steps to go through until, and of course if, it is made.

Officer comment:

A question was asked at the committee site visit regarding the agricultural land clarification. The link below confirms the site falls within 'Grade two'.

https://www.herefordshire.gov.uk/download/downloads/id/4858/hereford_agricultural_land_classification_map.pdf

NO CHANGE TO RECOMMENDATION

PLANNING AND REGULATORY COMMITTEE

13 NOVEMBER 2019

(Morning)

APPLICATIONS RECEIVED

Ref No.	Applicant	Proposal and Site	Application No.	Page No.
---------	-----------	-------------------	-----------------	----------

MORNING MEETING

6	Bloor Homes Per Mr Guy Wakefield	Site for a mixed use development including the erection of up to 625 new homes (including affordable housing), up to 2.9 hectares of B1 employment land, a canal corridor, public open space (including a linear park), access, drainage and ground modelling works and other works. The proposal is for outline planning permission at Land North of Viaduct, adjoining Orchard Business Park, Ledbury, Herefordshire	171532	37
		PARISH COUNCIL(s) MR J BANNISTER (Ledbury TC) MR D WILLIAMS (Wellington Heath PC)		
		OBJECTOR MR R GATES (Local resident)		
		SUPPORTER MR N RAWLINGS (on behalf of Applicant)		
7	Mr A Anderson Per Mr Matthew Gray	Outline application for residential development(with all matters reserved except for access), public open space, landscaping and associated infrastructure works at Land East of Canon Pyon Road, Hereford	191770	143
		PARISH COUNCIL MR D COOPER (Holmer and Shelwick PC)		
		OBJECTOR MRS R WALKDEN (local resident)		
		SUPPORTER MR P SULLEY (Applicant's agent)		

