

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 it's 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 agrahted.

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

Statement adjoining ward member Councillor Howells read to the meeting

As an adjoining Ward member for this development I wish to make this representation which relates to the agenda item 6 planning application: As also a Ledbury Town Councillor closely involved in developing the Town Council response to this proposal, I am also able to confidently articulate and support the Council's views alongside the separate representation you will have received from Councillor Bannister speaking directly on the Council's behalf.

Description of the matter under review:

APPLICATION No 171532 - LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE HR8 2PR OUTLINE PLANNING PERMISSION

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 being considered by the committee is for outline planning permission with all matters reserved for future consideration with the exception of access.

Ledbury Town Council is very well aware that this is an important development site for both the county and Ledbury. The Town is not against the development, indeed on the contrary. The adopted Neighbourhood Development Plan (NDP) clearly identifies the site as an allocated one (Map 4 page 12, recognition of the Core Strategy Policy LB2 page 13 and Map 5 page 14 – this latter important in terms of the perceived likely site access at the time).

We recognise that early realisation of this development is vital to ensure the core strategy is delivered to help protect the town against the unplanned and opportunistic development applications that have so exercised us all in the last few years.

However, it's worth looking at (and it bears repetition) the history of planning considerations and access in particular to and from this site to help the committee understand why Ledbury Town Council (LTC) is strongly opposed to the current single site access proposals. It believes, on the evidence, they cannot be deemed as 'satisfactory' (which is stated as being the requirement in the core strategy) and are therefore significantly open to legal challenge as they stand.

The adopted Herefordshire Core Strategy 2011-2031 includes the specific Ledbury Policy LB2 which states - Land north of the Viaduct Development proposals north of the viaduct in Ledbury will be expected to bring forward the following to achieve a sustainable mixed use urban extension of the town, including:

- Land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust;
- Provision of **satisfactory** vehicular access arrangements, **the details of which will be determined at planning application stage**;
- New walking, cycling and bus links from the urban extension directly to the town trail and riverside walk under the viaduct, the railway station and town centre to create linkages to nearby development and existing community facilities;

I mention these as they are all relevant to the points I wish to raise.

The core strategy Figure 4.8: Ledbury Key Diagram (included as Map 5 in the NDP) shows the site with the canal going under the viaduct via a new route by the existing Hereford Road (A417/A438) roundabout, with 'improved' cycling and walking connectivity also by that route. A further 'active transport' link is proposed under the viaduct via Ballard Close and across the Hereford Road to connect to the Town Trail and existing footpaths and cycle ways to the east of the New Mills development.

At this stage no site vehicular access is delineated in the core strategy and neither is 'satisfactory' defined, although the Movement policies are:

4.5.7 The policy approach for movement in Ledbury is based on reducing the need to travel by private car. This will be achieved by locating new development within walking and cycling distance of existing and new facilities (including the railway station) and improving and extending sustainable transport routes

4.5.8 Vehicular, pedestrian, cycle and bus access to the housing site will need to be provided with additional sustainable transport links to the station. A reduction in the speed limit along the Bromyard Road and improvements to the Hereford Road/Bromyard road junction are also likely to be required to improve the design, safety and efficiency of this road and junction. These, and any other highway improvements, will be informed by a traffic Herefordshire Local Plan – Core Strategy 2011-2031 assessment, and will be considered as part of the Council's determination of planning applications on the site.

This clearly suggests that some form of access onto the Bromyard Road would be envisaged as being part of the access considerations, but by no means determined at this stage since it was still to be assessed.

And it is the vehicular access proposals in particular that is the key issue here, although the other points being raised relate directly to the eventual access decision. Since this site was first muted for development, changing access proposals have bought controversy, objections and delays to this development application. A recent (2019) CPRE (Campaign to protect rural England) Herefordshire newsletter noted and summed up the reasons why this application has been so delayed and which this planning meeting is of course attempting to resolve. It says:

***‘The viaduct site** (P171532 application, Bloor Homes April 2017, designated for development in the Herefordshire Core Strategy). A mixed-use site with some employment and up to 625 houses. Plans are for the redeveloped Gloucester/Hereford Canal to skirt its western border. The application is held up primarily because the developer’s proposals for access off the narrow and, at times, congested Bromyard Road is unpopular with residents and businesses from both Ledbury and Wellington Heath.*

Highways have also raised some objections as have Herefordshire Planning Department. The planners and local people wish the developer to seriously consider an access road under the viaduct which would take traffic directly onto the bypass and give the development two access points.’

The original assumption, tested in a round of consultation, was that the only access to the site would be from the Hereford Road (A417/A438) roundabout. This is reflected on Map 7 of the NDP and is as understood by the NDP working party and the people of Ledbury at the time.

On subsequent reviews, including discussions with the developers and an examiner’s conclusions, this was changed to first having a two site access route, adding the Bromyard Road option, then a split one third/two thirds non-connected option with the larger proportion appropriately going to the Hereford Road, and then ultimately to the current proposed single site access on the Bromyard Road.

The examiner did not make a decision on either access option, but left it up to the planners to consider and it led to the now very objected change in the core strategy to include the very nebulous wording that all the access route needed to substantiate was that it was ‘satisfactory’ in planning terms. This has led to delay, much local debate and substantial disconcertment that this was not at all an option that was wanted or would be desirable under any circumstances.

It does not take a rocket scientist to realise that at least 1,500 extra vehicles and their movements that will be generated daily from over 625 houses, plus by the proposed business units at this access route - not to mention visiting and delivery traffic - cannot remotely be subjectively regarded as ‘satisfactory’.

Committee members who attended the site visit yesterday – and who maybe walked from the layby car park up to the proposed site access area – cannot have failed to notice that the road is narrow, bendy and with no walkable verges or curbs so already dangerous with the amount of traffic it currently takes.

This is why Ledbury residents and neighbouring parishes recognise the single site access is a madness that cannot be justified on clearly practical and common-sense grounds whatever some supposedly more ‘objective’ interpretation based on ‘accepted’ traffic modelling tools tells us is ‘satisfactory’ (more on that later).

This is supported by the overwhelming body of objection evidence that this proposal has generated. Given that 'satisfactory' is such a careless and subjective term, we are strongly of the view that to disregard all these considered feelings from the communities as not relevant to the decision would in itself be an unsafe judgement.

We know that the committee should decide on objective planning criteria, but given that the very term 'satisfactory' cannot be easily objectively 'defined', it must surely be the case that this is not possible and therefore criteria such as more subjectively based evidence must also be taken into account in any assessment of being 'satisfactory'.

To recap on just how powerful and totally overwhelming this evidence is that should be included in any 'satisfactory' consideration, these include:

- 419 representations have been submitted, with 248 objections and just one of support, to the development with the objections overwhelmingly focused on the Bromyard Road single site access proposal
- Ledbury Town Council in responded to this public concern called for an official Parish Poll with the following question:
 - A poll of the local government electors of Ledbury was taken on the 15th day of August, 2019, on the following question, namely Policy LB2: 'Land North of the Viaduct' of the Herefordshire Local Plan - Core Strategy 2011-2031 requires "provision of satisfactory vehicular access arrangements". This site is proposed to contain at least 625 dwellings and 3 hectares of employment land. The developer for this site proposes vehicle access arrangements solely via the Bromyard Road (in Planning Application: 171532), Do you consider this provision to be 'SATISFACTORY'?
 - An also overwhelming over 95% voted No.
 - I would ask the committee to note, that given our conviction that the definition of 'satisfactory' being met by the proposal is significantly flawed as I will go on to further demonstrate in both subjective and objective terms, Ledbury Town Council has been brave enough to commit public money to both funding this poll and its own traffic management assessment (more on this to come). It has done this knowing it has the full backing of the community to do so – and to fund further similar action should the Council feel that becomes necessary.
- The adjacent Malvern Hills AONB (Area of Natural Beauty) has also objected on similar grounds. I would draw the committee's attention to their very pertinent comments which are not adequately addressed in the traffic management studies. It is worth spending some time reading from the 'Traffic and tranquillity' section of their submission (a summary of which is in section 5.10 of the officer's report to the committee), which is also totally in line with practically all of the objections raised to the single access proposal.

'The AONB principle objection to the application remains an objection not to the numbers or siting of the houses proposed, but to the reliance of vehicular access onto the Bromyard Road and the likely (my emphasis) effects of this on the minor road network in the South West of the AONB. We note that the transport assessments submitted with the planning application forecast that respectively 3.5% and 5.5% of residential and employment trips associated with the development will take place through Beggars Ash. The Unit does not have the expertise to question these forecasts, but two things are clear:

- *There will be an increase in the volume of traffic on the minor road network in the western part of the AONB as a result of the proposed development*
- *The precise extent of the increase cannot be known until after the development has been completed*

'A sense of remoteness and tranquillity', limited noise and disturbance and the 'tranquillity of the rural landscape' are all mentioned in the special qualities of the Malvern Hills AONB. Quiet rural lanes for walking, cycling and horse riding are also listed in the Management Plan as a special feature of the AONB.

It is axiomatic (ie. - my note again - obviously true and not needing to be proved – and therefore in our view also undermining the 'satisfactory' conclusions in the application) that the increased motorised traffic which will arise from the proposed development will contribute to damaging those special qualities and special features.

*It may also lead to a reduction in the recreational use of the minor road network as well as contributing to vehicular damage to banks and verges as a result of more vehicles trying to squeeze past each other. As such, the effects of a proposed development to the AONB appear to be counter to the **principal objective** (again my highlight) of the AONB Management Plan in relation to transport and accessibility which is to reduce the impact of the motor vehicle whilst promoting a more sustainable approach to accessibility management.*

There will no doubt be discussion about whether the predicted increases in traffic are acceptable or tolerable. The forecast increase in traffic through Beggars Ash in the current application appears to be lower than previously forecast. However, on very lightly trafficked roads this still appears to represent a significant increase over and above the current baseline.

As previously stated, the final number of new vehicular movement across the AONB will not be known until after the development is completed and may be higher than predicted, especially at times when accidents or congestion mean other route options are less attractive. Irrespective of this, the AONB Management Plan recognises that one of the threats to the AONB comes from the cumulative impact of numbers of small developments.

*In this context it seems fair to recognise that the effect of the development will be to erode some of the special qualities and features of the area and this erosion should be a **great concern** (my highlight again) to all who are charged with conserving and enhancing the natural beauty of the AONB'.*

- *Then there is the corroborating submission from Wellington Heath Parish Council (addressed in section 5.4 of the officer's report) which 'strongly objects to the amended transport and access proposal which has been published since we submitted our previous representations of 15th June 2017 and 9th August 2018. We support the outcome of Ledbury Town Council's recently conducted Parish Poll which has concluded that the vehicular access proposals for the north of the viaduct development are not satisfactory.'*

A recent experience of the 'rat-run' problems and damage warned of by the AONB objection only too painfully demonstrated to Wellington Heath and local roads that the threat to local roads from the single site access is real, substantial, permanent and as the AONB suggests, of probable far greater impact than the (already proven to be flawed) traffic modelling indicates.

The recent closure of Storesbrook Bridge for a few months for replacement was testament to the sort of damage and destruction of amenity for rural users that is likely (as per the AONB words) to be caused by increased traffic from the development site, even if 'modest' as the Bloor and HCC traffic reports suggest.

The verge and other damage, particularly as vehicles tried to pass as warned of by the AONB, not to mention the safety hazards of increased traffic, has, in the locals'

view, been very substantial and in some cases, the damage already permanent. The danger suggested by AONB and Wellington Heath that the single site access could make this experience a permanent feature of local life is an intolerable prospect.

- Finally, there is a late submission from a Mr Fussy who was an Area Planning Officer for Malvern Hills District Council in 1990 when he had responsibility for Ledbury. At the time the only option open to potential developers to access the viaduct site was under the viaduct from the roundabout and no developer questioned this as being technically difficult,

His contention, and objection to the proposed Bromyard Road access, is that historically the viaduct access route has been the recognised appropriate choice. However, the aim was to extend the spur as a road under the viaduct to join the Bromyard Road because even then the junction of the Bromyard Road/Homend was regarded as problematic. Given that perspective and background, his view is also that the single site access onto the Bromyard Road is not 'satisfactory' since the junction is already often congested and in his view this is unlikely to be resolved by the proposed junction alterations.

In response to the points from the AONB and Wellington Heath in particular, I would add:

1. The AONB submission is a model of reasonableness not demonstrated in our view by the traffic management modelling. It is noteworthy to add that their notes on *'forecast increase in traffic through Beggars Ash in the current application appears to be lower than previously forecast'* is consistent with our own traffic management analysis which demonstrates that every 'flaw' or 'error' identified, is, without exception, in favour of the case for the developers.

Although this subject is tackled in sections 6.61, 6.62 and 6.63 of the officer's report to the committee, it simply asserts that the traffic modelling shows no detrimental impact, that *'the trip assignments for the surrounding area including the specific Wellington Heath route has been assessed and considered within the overall highway summary and recommendation'*, and *'as identified within the overall assessment there is sufficient highway capacity within these local road networks to accommodate what is a modest increase in vehicular movements'* and anyway *'It is noted that for journeys heading through Beggars Ash to reach the A4103 Hereford Worcester Road, much of that trip section would be outside the AONB'*.

So that's alright then! These comments do not correlate either with the clear concerns of the AONB that the forecasts are likely to be under played, or the very recent experience by Wellington Heath of how 'rat-runs' evolve in practice and are an intolerable intrusion on country life.

Given the amount of money supposedly spent by Bloor on three different traffic management assessments and Hereford Council's own assessment, in comparison to the more modest sum affordable for an LTC traffic report (of which more later) and its findings that some aspects of the Bloor and HCC transport conclusions are 'unacceptable', their 'satisfactory' conclusions in our view should be treated cautiously and not regarded as proven at this stage.

2. A 'satisfactory' conclusion for this single site access is surely in direct contravention of Core Strategy Policy SS6 – Environmental quality and local distinctiveness (covered in section 6.9 and 6.10 of the officer's report), which states: *'The management plans and conservation objectives of the county's international and nationally important features and areas (such as the AONB –*

my words, but mentioned as being included in this policy) *will be material to the determination of future development proposals.*

Despite this assurance in the core strategy, no specific consideration appears to have been given to address the concerns of the AONB, or suggest how they could be mitigated against (as suggested they could be in the site access section of the officer's report – mentioned later).

3. Given the AONB's opinion that their submission should raise '*great concern to all who are charged with conserving and enhancing the natural beauty of the AONB*', I'd say this committee has that responsibility and this should be taken into account in your decision.

So back to the key matter of site access. Following the strong but subjective results of the Parish Poll, LTC then commissioned an independent traffic management study by TPA to also provide an objective planning-based appraisal to complement the poll and focusing on the modelling of the proposed single access design. This critical analysis has shown that the modelling conclusions are flawed, containing several significant errors. What is more, they are not balanced, but in every case biased in favour of supporting a 'satisfactory' recommendation for the sole Bromyard Road single site access proposals.

It is therefore hard not to draw any conclusion other than that the errors are not random. Carriageway widths used in modelling are wider than will be the case, turning radii used in the roundabout models are larger than actual, pedestrian - crossing times are shorter than actual or the crossings themselves have not been included in the model.

In the case of the Hereford Rd/Bromyard Rd/Homend junction, TPA recognised a significant likely back-up impact of traffic from the town queueing across the railway station access junction and preventing clear access to the station that is not even included.

Another serious flaw in the Bloor traffic plans concerns the width of a tree on the proposed cycle and walkway connection under the viaduct into Ballard Close, across the Hereford Road and then to the Town Trail, which as it stands would make the proposed path undeliverable. No details are provided as to how this can be overcome. In fact, a review of the drawing (no 03468-A-015-P1) shows that adjacent land owned by Herefordshire Council could possibly be utilised to create a wide enough path, but this is not certain and the key point is that the Bloor proposals do not themselves adequately address this significant problem.

These are all reasons why the LTC suggestion to the committee is that the 'satisfactory' conclusions should be treated cautiously and not regarded as proven.

The officer's report does not draw full attention to the concerns raised in the TPA study, but simply points out that the TPA report states. in summary, '*it is considered that the proposals are likely to be acceptable in highways terms, subject to confirmation of a 'number of matters'*' without enumeration of them.

A note from officers is added to say, that given the date of receipt and Committee Report submission deadlines it is not possible to respond in detail to the above within the Committee Report to these comments; however, a detailed response and comments will be provided on Members Update Sheet.

LTC quite understands that none of these concerns is of a sufficient nature in themselves that they cannot be solved or adequately mitigated in some way (although they could change traffic assumptions which may even add weight to an under the viaduct additional access route). The point is that these 'errors' occurred in the first place to raise doubt about the 'satisfactory' conclusions including a perhaps under-estimate of the impact on local minor roads?

The topic of site access is considered in some detail in section 4.8, page 18 of the officer's report to the committee. I'd like to ask the committee to consider the response to just two of the four issues raised.

Point 1 which says 1. The provision of a single point of access complies with the relevant policy guidance. This is accepted by LTC in that there is no absolute policy requirement for a vehicular access to be provided under the viaduct or indeed any specific location. However, this does not mean there is no requirement for a comprehensive comparison analysis of all options to be conducted in order to determine which access is the most 'satisfactory'.

This is tacitly recognised in the officer's report, for a couple of paragraphs later the report goes on to say:

'With specific reference to point 1 above, the Applicant has considered the potential to provide a vehicular access beneath the Grade II listed viaduct, and this has been discussed by them with Network Rail as a third-party landowner. Bloor Homes have advised that "as a responsible developer, they are unable to provide such a vehicular access due to the physical constraints presented; the significant health and safety risk to the operational railway line and to the development itself both during construction and once open to traffic; the prohibitive technical measures that would be necessary to reduce that risk; and the adverse impact of this infrastructure on the wider built and natural environment of the site.'

In addition, we have had informal advice from planners that 'in no circumstances would HCC countenance adopting an access road going under the viaduct' although nowhere does any justification for this seem to be provided. LTC presumes it is based on the Bloor statement?

Whatever the case, this is to simply take the Bloor response at face value with no independent critical assessment of whether the Bloor assertion is true and fair, or not. Indeed, the evidence from the considered LTC TPA traffic management report is very clearly to the contrary, but no critical comparison assessment of whether this route is satisfactory or not vis a vis the Bromyard Road access has been conducted. The TPA report also accepts the policy point, although it also says that all benefits and dis-benefits of any connection should be weighed up in the development of the access strategy.

This recommendation is further supported by the contents of an initial formal environmental screening scoping decision together with the requisite report dated 17th May 2016 from the then Principle Planning Officer, Roland Close. It was produced in response to a formal request for a screening and scoping opinion submitted by Hunter Page Planning in an e-mail dated 23rd March 2016 and prior to any application being submitted.

The decision was that the Environmental Statement required would clearly need to include the minimum required by the Regulation (Parts 1 and Part 2, Schedule 4 of Regulation 2(1)). In terms of the specific areas that the LPA would scope into the Environmental Statement the specific advice on transportation was:

- A full assessment needs to be carried out as to alternative arrangements with respect to vehicular means of access(es). The following alternatives must be assessed:
 - A through road linking the Hereford Road (A417/A438) roundabout to the Bromyard Road (B4214)
 - A single vehicular means of access from the Hereford Road (A417/A438) roundabout
 - A single vehicular means of access off the Bromyard Road (B4214)
 - Two individual (not linked) vehicular means of accesses - one from the Hereford Road (A417/A438) roundabout and one from the Bromyard Road (B4214).

There is no evidence that this requirement has ever been conducted so no 'satisfactory' comparison can be made.

The LTC TPA transport assessment in fact makes it clear that there are no unsurmountable technical issues other than the cost of doing them! It also emphasises that there are considerable benefits to the site of using this as an access:

- Vehicle trips to/from the west (incl. Hereford) would not be required to travel through the constrained Hereford Road/Bromyard Road/The Homend junction
- A more direct route to/from the west would be provided such that the potential for rat-running via Rhea Lane would be significantly reduced.
- Vehicle trips to/from the south (incl. Gloucester and the M50) would be directed along the Ledbury by-pass rather than through the constrained Hereford Road/Bromyard Road/The Homend junction and Ledbury Town Centre.
- Subject to demand, it would allow for a future bus service to loop through the development site onto Bromyard Road, enhancing sustainability.
- The setting of the viaduct could be utilised to provide an attractive gateway to the development site.

Such an assessment would enable a 'satisfactory' conclusion comparison and in our view would be very likely to be proven as at least and probably more 'satisfactory' than the current proposal.

It is also surely true to say in relation to the supposed 'prohibitive technical difficulties', that such a view is in direct contradiction to the fact that the Canal Trust have no problem in meeting Network Rail requirements in cutting a new canal route under the viaduct and which will also involve overcoming similar 'so called' prohibitive technical measures.

How is that the Canal Trust do not see this as a satisfactory reason not to attempt overcoming the problems of digging under the viaduct when Bloor assert it is a problem? There can only be one conclusion – that it is pure cost and maximising profit that is the motive, and not the most satisfactory access which best serves the interests of the site residents or the wider communities.

What is more, there is already a 'spur' from the Hereford Road roundabout pointing towards the viaduct in anticipation of completing a planned extension of the Ledbury ring road and which was specifically intended to go under the viaduct to join up to the Bromyard Road. This reinforces the view that the Bloor objections are not based on the reality that technical difficulties are a viable obstacle to a site access under the viaduct or that such a road is not appropriate to be adopted by the council.

Point 3 says: 3. Providing a single point of access does not result in an unacceptable impact on the capacity of the highway network that could not be mitigated against.

The evidence provided by objectors, for example, by the Malvern Hills AONB, in our view shows this to be palpably untrue and that no consideration of the 'great concern' expressed has been reflected in reaching a 'satisfactory' conclusion for a single Bromyard Road access.

Although section 6.63 of the officers report asserts 'It is also considered if the site was served by an alternative access point, such as off Hereford Road, the additional traffic using the minor roads and AONB would not substantially change', the critical analysis required by the initial scoping document to substantiates such a claim has not been conducted. Indeed, the LTC TPA report directly contradicts this assertion.

Until it is and has been proven one way or another, we contend this is an assertion that should be treated with caution as any part of a 'satisfactory' conclusion to a one site Bromyard Road access as being appropriate. A second access route under the viaduct would in the opinion of the TPA consultants' report, provide such mitigation.

In conclusion, it must be clear to the committee that the Ledbury community is not prepared to tolerate or accept what is, in its strong opinion supported by what it believes is firm evidence, a proposed single site access onto the Bromyard Road that is not 'satisfactory'. This is not least because other equally viable and less detrimental options have not been adequately considered as the original scoping document required them to be.

It will have a damaging impact on local roads and blight traffic flow along the Bromyard Road and around the Bromyard Road and Homend junction and consequently through the town for many years to come.

It is clear to LTC and the community that the proposal will damage the quality of life of residents and as it stands will undermine the core strategy objective to reduce the impact of motorised traffic over active travel and all to suit the financial preferences of a developer that has not remotely demonstrated having the interests of Ledbury and its neighbouring parishes at heart. The only beneficiaries of this single access will be the developers who will move on and not have to live with the consequences.

LTC is strongly of the view that it would be wise of the committee to reject the current single access proposals as they stand on the basis they do not meet the 'satisfactory' test.

The Council has demonstrated it is not afraid to commit resources to undertake any further action it may deem necessary to ensure as far as possible that the single access on the Bromyard does not happen. It is certain it has full backing from the community to take this approach.

However, as I said in the introduction, LTC recognises how important it is to Ledbury for the future of how the Town is developed that this application does go forward as soon as possible. As the AONB also submitted, LTC is not opposed to development, simply to the means of delivering it. It is therefore keen to be constructive and positive in contributing to a solution that will be deemed 'satisfactory' in planning terms and also meet community requirements.

It therefore suggests that the committee may wish to approve this outline application with access proposals only on condition that a second vehicular access under the viaduct is also provided as a pre-requisite for granting approval. I know that Cllr Harvey, the Ward Councillor for the site, is going to submit detailed suggestions for such a condition and I am certain LTC would totally support them should the committee be minded to take this route.

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:

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/herford_agricultural_land_classification_map.pdf

NO CHANGE TO RECOMMENDATION