

# Agenda

## Planning and regulatory committee

Date: **Wednesday 11 December 2019**

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Time: **10.00 am**

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

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Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail [tbrown@herefordshire.gov.uk](mailto:tbrown@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Planning and regulatory committee**

## **Membership**

**Chairperson** Councillor John Hardwick  
**Vice-Chairperson** Councillor Alan Seldon

**Councillor Graham Andrews**  
**Councillor Paul Andrews**  
**Councillor Polly Andrews**  
**Councillor Toni Fagan**  
**Councillor Elizabeth Foxton**  
**Councillor Bernard Hunt**  
**Councillor Terry James**  
**Councillor Tony Johnson**  
**Councillor Mark Millmore**  
**Councillor Jeremy Milln**  
**Councillor Paul Rone**  
**Councillor John Stone**  
**Councillor Yolande Watson**

## Agenda

	Pages
<b>1. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b> To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b> To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
<b>4. MINUTES</b> To approve and sign the minutes of the meetings held on 13 November 2019.	11 - 54
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b> To receive any announcements from the Chairperson.	
<b>6. 171532 - LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE. OUTLINE PLANNING PERMISSION</b> 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.	55 - 186



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairperson or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

## Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor John Hardwick (Chairperson)	Herefordshire Independents
Councillor Alan Seldon (Vice-Chairperson)	It's Our County
Councillor Graham Andrews	Herefordshire Independents
Councillor Paul Andrews	Herefordshire Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Toni Fagan	The Green Party
Councillor Elizabeth Foxton	It's our County
Councillor Bernard Hunt	True Independents
Councillor Terry James	Liberal Democrat
Councillor Tony Johnson	Conservative
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Herefordshire Independents

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

### **Who attends planning and regulatory committee meetings?**

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairperson and vice chairperson.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.  In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

### **How an application is considered by the Committee**

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

### **Public Speaking**

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee



- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

### **Role of the local ward member**

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.



**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 13 November 2019 at 10.00 am**

**Present:** Councillor John Hardwick (chairperson)  
Councillor Alan Seldon (vice-chairperson)

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Mark Millmore, Jeremy Milln, Paul Rone, John Stone and Yolande Watson

**In attendance:** Councillors Liz Harvey, Phillip Howells and Helen l'Anson

**43. APOLOGIES FOR ABSENCE**

None.

**44. NAMED SUBSTITUTES**

None.

**45. DECLARATIONS OF INTEREST**

None.

**46. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 16 October 2019 be approved as a correct record and signed by the Chairman.

**47. CHAIRPERSON'S ANNOUNCEMENTS**

The Chairperson thanked members for their attendance at the site visits.

The legal advisor to the Committee read a statement to the meeting reminding all present of the requirements of the purdah period preceding the general election on 12 December 2019.

**48. 171532 - LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE. 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 Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr J Bannister, of Ledbury Town Council and Mr D Williams of Wellington Heath Parish Council spoke in opposition to the scheme. Mr R Gates, a local resident, spoke in objection. Mr N Rawlings, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member and adjoining ward members were invited to speak.

Adjoining ward member Councillor l'Anson made the following principal comments. The scheme had benefits. The development had been carefully planned. It would provide much needed affordable housing. There was a good housing mix meeting local need. The provision of employment land also contributed to the sustainability of the development. The site was close to the railway station. The reinstatement of a section of the Herefordshire and Gloucestershire Canal would provide an attractive feature and the tow path would provide a safe walking and cycling route towards the Town's allotments on the Bromyard Road. It might also offer opportunities for partnerships with local colleges and craft apprenticeships. There were good walking and cycling links to the Primary School, Town Centre and recreational facilities. The developer contribution to development of the primary school and sports facilities and expansion of health care facilities was welcome. The extension of the linear riverside park was also welcome.

On the other hand there were some concerns. The site was in a category 1 flood zone. However, there was concern that flood risk was increasing. A water mill had previously been adjacent to the site. However, access was the principal issue. The proposed access was too far from the town centre so there would be increased car journeys. Pedestrian use of the Bromyard road was currently an issue.

Adjoining ward member Councillor Howells read out a detailed submission. A copy is included within the schedule of updates appended to these minutes. In summary, he commented that there was not opposition in principle to the development. However, the proposal that there should be a single access of the B4214 Bromyard Road was not acceptable. A second access should be provided from the A438 Leadon Way/Hereford Road roundabout.

Councillor Harvey, the local ward member, then spoke on the application. She made the following principal comments. The access to the site was the principal issue. The Deer Park estate to the south of the Town had been developed with a single access and this had caused considerable difficulties within the community. A second access at the other end of the estate had eventually been provided. The Council's highways design guide stated that a single access was not suitable for developments larger than 300 homes. The application had many good aspects. However, the site must be properly connected to Ledbury and form part of the Town. The single access would not achieve this aim. It would require people to drive a mile out of Town to access the development and then once within it drive back towards the Town to reach their properties. The new proposed path to the canal passed through the viaduct at the point where access to the site had long been proposed. It had always been clear that to be acceptable to the local community the primary access to the site must be off the A438 Leadon Way/Hereford Road roundabout. Policy LB2 in the draft core strategy had initially referred to the provision for 2 accesses into the site but at the public examination the Planning Inspector recommended the policy should be less prescriptive by referring to the provision of satisfactory vehicular access arrangements, with the descriptive detail to be left to the planning application. The policy was amended accordingly and the core strategy adopted by council. The policy stated that vehicular access should be satisfactory. The report in the agenda papers indicated that this did not mean adequate. The impact on highway safety was judged not to be severe. The consequences of the development would be felt by the community in perpetuity. However, she suggested that rather than refusing the application, subject to an additional satisfactory access being

provided from the A438 Leadon Way/Hereford Road roundabout serving some two thirds of the development, officers should be authorised to grant outline planning permission following consultation and agreement with the local ward councillors that the access was satisfactory, along with the conditions and S106 agreement, with the matter being returned to the Committee for consideration if agreement could not be reached.

In the Committee's discussion of the application the following principal points were made:

- The development appeared to be acceptable to the community except for the proposed single access. When the site had first been proposed it had been envisaged that there would be access from the A438 Leadon Way/Hereford Road roundabout. The provision of two accesses was the correct solution for the future of Ledbury. It was feasible to provide that second access and the developer should meet that cost rather than it eventually falling to the taxpayer to do so at some future date.
- The Transportation Manager commented that the proposal before the Committee was for an access off the Bromyard Road. Officers had considered the access in detail. Policy LB2 required an appropriate and satisfactory access to the site. He quoted paragraph 108 of the NPPF. As highway authority the Council had sought to ensure that the analysis by the applicants had been thorough and provided assurance that the proposals offered satisfactory mitigation. As set out in the consultation response and in the schedule of updates the highway authority considered that a satisfactory access could be provided in compliance with policy LB2 and the NPPF.
- The Lead Development Manager commented that the Committee had to determine the application before it. The Committee could approve it, refuse it, or defer it. He was concerned that in the event of a deferral the applicant may seek to lodge an appeal against non-determination. The technical highway assessment was in favour of the application and this would make it difficult to defend the appeal.
- The proposal was complimented for the regard it had to environmental considerations in relation to travel.
- In response to questions officers commented as follows:
- The PPO confirmed that the pathway leading from the A438 Leadon Way/Hereford Road roundabout under the viaduct was private land with no current public access rights.
- In relation to flood risk and the ability of homeowners to obtain insurance the PPO commented that on the masterplan the areas of the site considered most at risk from flooding were to the west of the site and were allocated for the canal route, open space and landscaping. As stated at paragraph 6.159 of the report the majority of the site, where the housing and employment land was located was classified as low risk flood zone 1 by the Environment Agency. Housing development was acceptable on such land.
- It was suggested there were differences in the traffic modelling by the Council, developer and a consultant appointed by Ledbury Town Council. The PPO commented that as set out in the schedule of updates there was a consensus that the modelling used was appropriate.
- In terms of footway and cycleway links the developer had responded to responses received in the consultation process and there had been an emphasis on ensuring connectivity and sustainability. An upgrade in the section of path linking to the town trail had been secured as an additional benefit from the developer.
- A concern was expressed about the safety risk of having only a single access. In response it was noted the Bromyard Road trading estate had five accesses. The

requirements of the emergency services formed part of the Transportation Manager's considerations. An emergency access was proposed. The Emergency Planning Officer had no role in this regard.

- It was suggested that a comparatively low density of development was proposed raising the possibility of further development of the site. The PPO commented that Policy LB1 and LB2 provided for a development of 625 dwellings and this limit on development was also governed by a recommended condition.
- In response to questions about the proposals to restore the Herefordshire and Gloucestershire Canal the PPO commented that the detail would form part of any reserved matters application submitted by the Canal Trust. Development of the canal outside the application area was not relevant to the application. The historic route could not be replicated but the overriding objective of developing a complete Hereford to Gloucester canal could be achieved to the Trust's satisfaction. The proposal was consistent with that objective and complied with policy LB2.

A motion that the application be refused on the basis that the application was not in the best interests of Ledbury and the access was therefore not satisfactory was withdrawn.

The Lead Development Manager commented that the application had been under consideration for a long time and had involved substantial negotiations with the developers over many aspects including the access. It had been concluded that a satisfactory access proposal had finally been arrived at. It was to be noted that the consultant employed by Ledbury Town Council also considered the proposed access to be acceptable. This made it difficult to support a case for refusing the application.

The site was the strategic site for housing development in Ledbury within the Core Strategy and would make a significant contribution to the Council's five year housing land supply. A refusal would encourage applications for development in Ledbury and elsewhere in the County given the absence of such a housing land supply.

There was a risk of an appeal against any refusal and costs being awarded against the Council.

The local ward member and adjoining ward members were given the opportunity to close the debate.

Councillor Howells commented that the community was strongly opposed to the proposal. Ledbury Town Council would be determined to contest any approval of the application.

Councillor Harvey commented that the route for the canal that had been identified as passing under the viaduct could easily be relocated. The Inspector in the recent Dymock Road Public inquiry had commented that there were blocks of land in the Strategic Housing Land Availability Assessment around Ledbury that were capable of delivering at least 960 dwellings. It was understood the application site was not allocated for development under the core strategy but rather was identified as being a possible site. The NDP had been criticised for not stating the community's views on access to the proposed site. However, the Plan had been prepared in accordance with advice from officers to ensure conformity with the Core Strategy. The site was on a flood plain where the Core Strategy and NPPF said development should be avoided where possible and the SHLAA housing assessment indicated that this development could indeed be avoided. Development had been permitted on appeal beyond the bypass to the south of the town. Other developers had land options to the south of the town that were capable of delivering at least as many houses as the application site. They were unplanned and not the way in which Ledbury was proposed to grow. The community was content to accept the proposal with the second access as originally intended, notwithstanding that

the site had some shortcomings. The developers had known from the outset that the intention had been that there should be two accesses with the primary access off the A438 Leadon Way/Hereford Road roundabout and that was what the community expected and supported. The developers could choose to avoid legal challenge if they wished.

Councillor Millmore proposed and Councillor Seldon seconded a motion that the application be deferred to give the applicant time to amend the application to include a second access point through the viaduct. The motion was carried unanimously with 15 votes in favour, none against and no abstentions.

**RESOLVED: That consideration of the application be deferred to give the applicant time to amend the application to include a second access point through the viaduct.**

**49. 191770 - LAND EAST OF CANON PYON ROAD, HEREFORD, HEREFORDSHIRE**

*(Outline application for residential development (with all matters reserved except for access), public open space, landscaping and associated infrastructure works.)*

*(Councillors Seldon and Stone had left the meeting and were not present during consideration of this application. Councillor Millmore fulfilled the role of local ward member and accordingly had no vote on this application.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr D Cooper of Holmer and Shelwick Parish Council spoke in opposition to the scheme. Mrs R Walkden, a local resident, spoke in objection and a supporter, Mr P Sulley the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor Millmore, spoke on the application.

He made the following principal comments:

- There was concern about the access point onto the Canon Pyon road which was just after a blind bend and appeared unsafe.
- There were already traffic delays on the Roman Road. The application would increase traffic volumes.
- A bus stop could not be installed because the road and pavement were too narrow.
- Whitecross School and Holmer Academy were over capacity as was Bobblestock Surgery.
- He referenced Holmer and Shelwick Parish Council's objection to the application.
- He criticised a poor level of engagement by the developer with the local community.
- He requested that particular regard be had to the draft Neighbourhood Development Plan to which it was advised moderate weight could be attributed in decision making. The application site was outside the settlement boundary and therefore contrary to policy HS2. Having regard to paragraph 48 of the National Planning Policy Framework, no objections to the settlement boundary had been received. The Neighbourhood Planning Team had no holding objections to it. The NDP would soon be in a position to carry significant weight.

- The Parish had already met its proportionate housing growth target. The application site did not form part of the strategic site identified at Holmer West. The Strategic Planning Team had confirmed that the NDP was in conformity with the NDP and NPPF.
- The applicant had not submitted an objection in response to the Regulation 16 consultation.
- The Strategic Planning Team at paragraph 4.16 of the report had stated that the position on the production of a Hereford Area Plan was unknown and no weight could be attached to it.
- The NDP had entailed considerable work, provided for large scale and small scale development and commanded support in the local community, as a result of extensive engagement. He requested that the Committee gave it more weight than indicated in the report as it would imminently be made and would therefore be able to be taken into account if there were to an appeal against refusal of planning permission. The NDP alone provided material grounds for refusing the application.

In the Committee's discussion of the application the following principal points were made:

- There were no objections from the statutory or internal consultees.
- It was requested that at the reserved matters stage the applicant be urged to take account of climate change and design energy efficient dwellings and provide charging points for electric cars and consider the provision of bungalows.
- In relation to education provision, the Holmer Academy school site had no room for expansion. It was suggested many parents would seek to send their children to Burghill Primary School generating additional traffic.
- The development lacked a footpath, there was a highway safety concern because of the blind bend and the site was car dependent.
- The minimum housing target for the parish had been met and the site was outside the settlement boundary.
- The proposal required the removal of some 80m of hedgerow which provided a wildlife corridor. Hedgerows also mitigated flooding. The proposal did not meet policy LD2 and had a severe impact on biodiversity. Forthcoming legislation and other initiatives would give greater weight to these aspects of development.
- It had been confirmed that the site comprised Grade 2 agricultural land. This should be regarded as an asset for the County.
- In response to questions officers commented:
- The age of the hedgerow to be removed was not known to the case officer. However, the Landscape Officer and the Arboricultural Officer had stated that there were no veteran trees present. She also referred to photographs from the presentation in relation to the quality of the hedgerow. The applicant had submitted a plan for the replacement of hedgerow, and ecology measures.
- It was likely that it would take several months for the NDP to be made.
- Holmer was a complicated location in policy terms. It was a rural parish adjacent to Hereford City. The City did not have a settlement boundary. The site was not in an isolated location away from a main settlement and therefore was not defined as open countryside and not governed by policy RA3.

The Lead Development Manager acknowledged that the area was outside the settlement boundary in the NDP and the area had met the minimum target for housing growth.



However, the NDP could only be given moderate weight and had to be weighed against the absence of a five year housing land supply and the absence of any objections from consultees.

The local ward member was given the opportunity to close the debate. He reiterated his view on the weight that should be given to the NDP mindful that the site was outside the settlement boundary and the minimum target for housing growth in the parish had been exceeded. The area also had few facilities to accommodate the application.

Councillor Hunt proposed and Councillor Polly Andrews seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 7 votes in favour, 5 against and no abstentions.

**RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:**

- 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 layout, 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:**

- **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.**

- 5 Prior to completion or first occupation of the approved development, [whichever is the sooner] a landscape scheme shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying:**

**a) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837: 2012.**

**b) Trees and hedgerow to be removed.**

**c) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**

**d) All proposed hardstanding and boundary treatment.**

**Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 6 Before the development is first occupied or brought into use, a schedule of landscape maintenance for a period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with this approved schedule.**

**Reason: To ensure the future establishment of the approved scheme, in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 7 Any trees, plants, or hedgerows which within a period of five years from the date of first planting die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.**

**Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 8 Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

**Reason: To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 9** Prior to the commencement of any works a method statement for trees must be submitted and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved method statement.

**Reason:** To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10** No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the public water supply system has been completed and written confirmation of this has been issued to the Local Planning Authority.

**Reason:** To prevent further hydraulic overloading of the public potable water supply network, to protect the health and safety of existing residents and ensure the site can be effectively served with potable water.

- 11** No above ground development shall take place until detailed drawings of the drainage system and associated structures that maximise the use of SuDS and that include the location of all manholes and pipes, as well as details of inlets, outfalls and SuDS features (including cross sections with invert levels, maximum water levels, top of bank levels, freeboard);

**Details shall include, but not limited to:**

i) Updated calculations of greenfield runoff rates, proposed discharge rates and attenuation storage requirements using FEH methods and 2013 rainfall data;

ii) Detailed explanation as to how flow that exceeds the capacity of the drainage network will be managed within the site up to the 1 in 100 year event;

iii) Assessment of risk from failure of any above ground storage structures.

iv) Formal agreement from the relevant undertaker that surface water and foul water can be discharged to the sewerage network;

v) Confirmation of agreement in principle of proposed adoption and maintenance arrangements for all parts of the surface water and foul water drainage system;

vi) Operational and maintenance manual for all proposed drainage features that are to be adopted and maintained by a third party management company.

**Reason:** To ensure suitable drainage can be achieved on site.

- 12** The ecological protection, mitigation, compensation and working methods, as recommended in the ecology report by Aspect Ecology dated March 2019 shall be implemented in full as stated 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 Wildlife and Countryside Act 1981 (as amended), the Habitats & Species Regulations 2018 (as amended), Policy LD2 of the

**Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006**

- 13** Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement- 'net gain' features, including significant provision for bat roosting, bird nesting, pollinating insect homes and hedgehogs, has been submitted to the local planning authority for written approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise approved in writing by the Local Planning Authority. No external lighting shall illuminate any new ecological feature or adjacent habitat or boundary feature; and all lighting shall support the Dark Skies principles.

**Reason:** To ensure that all protected species are considered and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2018 (as amended), Policy LD2 of the Herefordshire Core Strategy, National Planning Policy Framework (2019) and NERC Act 2006.

- 14** Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site as detailed on Figure 4.3 of the submitted Transport Assessment. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

- 15** The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority, at a gradient not steeper than 1 in 12.

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

- 16** Development shall not begin until details of the off-site works as proposed along the A4110 Canon Pyon have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

- 17** Prior to occupations on site, a Travel Plan which contains measures to promote alternative sustainable means of transport 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. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

- 18** During the construction phase no machinery shall be operated, no construction works shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday - Friday 7.00am - 6.00pm, Saturday 8.00am -1.00pm nor at any time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenity of local residents and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 19** No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording [to include recording of the standing historic fabric and any below ground deposits affected by the works]. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority and shall be in accordance with a brief prepared by the County Archaeology Service.

**Reason:** To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

- 20** Prior to the first occupation of the development hereby permitted 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 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 to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 21** Prior to the first occupation of [any of] the dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the Local Planning Authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

**Reason:** In the Interests of highway safety and to comply with Herefordshire Core Strategy polices SS4 and MT1

- 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 compromise 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.**

- 23 The reserved matters submission submitted pursuant to Condition 1 shall be accompanied by details of noise attenuation measures for the proposed dwellings. The scheme shall have reference to the most recent and relevant Pro PG Planning and noise guidance advice provided by BS 8233:2014, Guidance on sound insulation and noise reduction in buildings and the Worlds Health Organisation Guidelines for community noise. The approve scheme shall be implemented before the first occupation or use of the dwellings and thereafter maintained.**

**Reason: In the interests of the residential amenity of future residents in accordance with policy SD1 of The Herefordshire Core Strategy and NPPF 2019**

- 24 The plans for the provision for open space and play areas shall be set out in accordance with the standards adopted by the Local Planning Authority and shall be submitted to and approved in writing by the Local Planning Authority.**

**Reason. In order to comply with the requirements of Policies OS1 and OS2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 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**

#### **INFORMATIVES:**

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.**
- 2 Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.**

- 3** No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
- 4** It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 5** In connection with Condition [H30][H31], the applicant is advised that the annual Travel Plan Review must include a survey of staff/resident travel patterns and attitudes to travel. (For businesses employing less than 50 people and for residential developments of less than 50 units, a travel survey will only be required every two years). For residential developments, the review should also include traffic counts and an assessment of trips by mode. Applicants are encouraged to conduct their own monitoring and review process. However, they may choose to engage outside consultants to manage the process on their behalf. Council officers can also provide monitoring services for Travel Plan reviews and for this a request should be made to the Sustainable Transport Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford, HR4 0WZ.
- 6** In connection with Condition [H30][H31] the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ.
- 7** This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.  
  
Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.
- 8** It is the responsibility of the developer to arrange for a suitable outfall or discharge point. It cannot be assumed that the highway drainage system can be used for such purposes.
- 9** Records show that the proposed development site is crossed by a public watermain with the approximate position being marked on the attached Statutory Public Record. The position shall be accurately located, marked out on site before works commence with no development taking place within the specified protection zone. The applicant may need to apply to

**Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**

#### **Appendix - Schedule of Updates**

The meeting ended at 2.05 pm

**Chairperson**



## **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](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**

### **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 brought 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 Malverns 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 substantiate 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/hereford\\_agricultural\\_land\\_classification\\_map.pdf](https://www.herefordshire.gov.uk/download/downloads/id/4858/hereford_agricultural_land_classification_map.pdf)

**NO CHANGE TO RECOMMENDATION**



**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 13 November 2019 at 2.00 pm**

**Present:** Councillor John Hardwick (chairperson)

**Councillors:** Graham Andrews, Paul Andrews, Polly Andrews, Dave Boulter, Barry Durkin, Toni Fagan, Elizabeth Foxton, Bernard Hunt, Terry James, Tony Johnson, Jeremy Milln, Paul Rone and Yolande Watson

**In attendance:** Councillors Christy Bolderson, Sebastian Bowen and Jennie Hewitt

**50. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Millmore, Seldon and Stone.

**51. NAMED SUBSTITUTES**

Councillor Boulter substituted for Councillor Seldon and Councillor Durkin for Councillor Stone.

**52. DECLARATIONS OF INTEREST**

None.

**53. CHAIRPERSON'S ANNOUNCEMENTS**

The legal advisor to the Committee read a statement to the meeting reminding all present of the requirements of the purdah period preceding the general election on 12 December 2019.

**54. 190650 - SITE ADJACENT CHURCH LANE, ALLENSMORE, HEREFORDSHIRE**

*(Proposed erection of 6 dwellings, garaging and new vehicular accesses.)*

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

In accordance with the criteria for public speaking, Mr T Cramp, of Allensmore Parish Council spoke in opposition to the scheme. Mr S M'Samri, a local resident, spoke in objection. Mr M Owens, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor Bolderson, spoke on the application.

She made the following principal comments:

- Allensmore lacked services. There was no fibre broadband in the area of the application site.
- The community had developed a Neighbourhood Development Plan (NDP). The site was outside the settlement boundary. Any development outside the settlement boundary was not considered to be proportionate. This was the principal reason for objection to the proposal.
- The NDP was currently subject to a Regulation 16 consultation. There had been no significant objections during the Regulation 14 consultation. The report stated that limited weight could be given to the Plan at this stage. It was requested that this be reconsidered given the advanced state of the Plan.
- The application site was adjacent to the main built up area of the settlement. The Strategic Housing Local Area Assessment identified a need for additional two and three bed homes in the Parish and considered the application site had potential for housing. Policy RA1 required a minimum of 32 homes to be provided in the Parish by the end of 2031. However, the Parish had already exceeded the minimum target by 3 dwellings. Fifteen dwellings had been approved in the past year and applications for a further 15 dwellings, including the application site, had been lodged with the Planning department. The Conservation Manager (Landscape) had commented that the number of dwellings proposed could be perceived as rather great in relation to the scale of the village.
- She acknowledged that the council was not currently meeting its housing targets across the county as a whole. However, she questioned whether parishes with limited services that were meeting or exceeding their own targets should be expected to accept development outside their settlement boundaries. She highlighted policy RA1 and NDP policies A3 and A4.
- There was a difference of opinion as to the landscape impact that the Committee needed to consider. Policy RA2 stated that proposals for development in locations identified in figure 4.15 such as Allensmore should demonstrate particular attention to the form, layout, character and setting of the site and its location in that settlement. It was acknowledged that the pattern of the proposed development was similar to that on the opposite side of the road. The applicant had amended the plans in response to local representations.
- Although outside the settlement boundary the proposal was broadly compliant with NDP policy A4 with the exception of its scale. She spoke favourably about the design characteristics noting that they included sustainable energy efficiency measures.
- There was local concern about the density of development at 7.5 dwellings per acre compared with 3.6 for the village as a whole. An application for 3 or 4 houses or a development of lower density would be looked on more favourably.
- In identifying the site as having potential for development the SHLAA had acknowledged traffic concerns and recommended the widening of church lane. There was concern that the single track road was not appropriate for 6 houses
- Driveways of plots 5 and 6 would face directly into bedroom windows of house opposite.
- There was a high water table and concern about the drainage proposals. Allensmore had had longstanding issues with surface drainage.
- The applicant had worked closely with the council to adapt the plans. However, the local community still had significant concerns, particularly about the landscaping and considered the application did not comply with policies RA1, RA2, A3 and A4. Weight should be given to the NDP.

In the Committee's discussion of the application the following principal points were made:

- In response to questions it was confirmed that there had been no discussions about reducing the number of dwellings proposed. Securing and maintaining the public right of way crossing the site was a matter for the Public Rights of Way Officer to ensure. His comments were at section 4.4 of the report. The Plans had been amended to accommodate the retention of 2 metre wide footpath.
- In relation to foul water drainage a question was asked about security of access to the shared pipework serving the package treatment plants noting that this would cross land in the landowner's ownership not that of the owners of the dwellings. It was advised that the test was whether the drainage scheme was acceptable and would work. Each package treatment plant was within the relevant property boundaries. The issue related to the pipework that would take foul water to the proposed attenuation pond and reed bed. It would be a matter for the solicitors acting for any purchasers to ensure appropriate access to the pipework system.
- The density of development was acceptable, noting that it included much needed 2 bedroom properties.
- As stated at paragraph 6.44 of the report, although the Parish had exceeded its minimum housing target this was not a ground for refusal given the absence of a 5 year housing land supply.
- There were no objections from consultees with the exception of the comments of the Ramblers Association and the Open Spaces society and those had been addressed, subject to a two meter width of the footpath being maintained.

The Lead Development Manager commented that the NDP could only be given limited weight. The landscape impact had been highlighted and the Conservation Manager (Landscape) had not objected to the application. The development represented organic growth, maintaining the linear character of the area.

The local ward member was given the opportunity to close the debate. She reiterated the importance of retaining local character and considering the provisions of policy RA2 and the weight that could be given to the NDP.

Councillor Polly Andrews proposed and Councillor Hunt seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 11 votes in favour, 1 against and 2 abstentions.

**RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **C02 Time limit for submission of reserved matters (outline permission)**
2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters**
4. **C05 Plans and particulars of reserved matters**
5. **C06 Development in accordance with the approved plans**
6. **CBK Restriction of hours of construction**
7. **C13 Samples of external materials**

8. **Details of physical sustainability measures**
9. **CCK Details of slab levels**
10. **CAB Visibility splays**
11. **CAE Vehicular access construction**
12. **CAH Driveway gradient**
13. **CAI Parking**
14. **CAT Construction management plan**
15. **CB2 Secure cycle parking**
16. **Prior to the commencement of the development a tree and hedgerow protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

**To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

17. **Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority. No external lighting should illuminate any enhancement or boundary feature.**

**Reason: To ensure that all species and habitats are protected, conserved and enhanced (Biodiversity net gain) having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).**

18. **All foul water shall discharge through private treatment plants and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.**

**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.**

19. **Notwithstanding the drainage strategy permitted by condition 17, and indicated on drawing number ALLE-ICS-01-XX-DR-C-010 Rev P2, prior to the commencement of development details and specification of the reed bed within the attenuation pond will be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any building hereby permitted.**



**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.**

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2. I11 – Mud on the road**
- 3. I09 – Private apparatus on the highway**
- 4. I45 – Vehicle Crossing licence**
- 5. I05 and I47 - drainage highway**
- 6. I35 – Highways design guide.**

**55. 191081 - BRYNGLAS, CUSOP DINGLE, HR3 5RD**

*(Proposed two storey three bedroom dwelling house.)*

The Senior Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these minutes.

With reference to a high-pressure fuel pipeline crossing the site she added that the location was mapped. However, if it was found that this had been done incorrectly and had an impact on the siting of the dwelling the permission may need to be altered. This did not prevent the current application being considered. Any implications for the pipeline itself would be a civil matter between the applicant and the pipeline owners.

In accordance with the criteria for public speaking, Mrs K Hainge, a local resident, spoke in objection to the application. Mrs E Garner, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor Hewitt, spoke on the application.

She made the following principal comments:

- She highlighted the concerns that had been raised about the possible effect on the pipeline of heavy vehicles crossing the site operating during the construction phase.
- The development would bring change to the relationship to the existing settlement but this did not appear to be of major significance. However, she was concerned that the proposed dwelling would be extremely close to Brynglas almost to the point where it was like an extension to it. This was not an issue at present given the family relationship between the owners of Brynglas and the prospective owners of the new

development. However, it could create an issue in the future if one of the properties were to be vacated.

- The new building would compromise the amenity of Brynglas contrary to NDP policy 7.
- Account should be taken of the cumulative planning impact. If similar developments were to take place along the length of the road this would have an adverse impact on the character of the neighbourhood.
- Cusop had exceeded its minimum housing target by some 50%. She was concerned about the capacity of services to cope. She noted the pressures on parking at Clifford primary school and highway safety issues that had arisen as a consequence.

Because of personal circumstances the Parish Council had not been able to register a representative to speak at the meeting. The local ward member read out a statement on the Parish Council's behalf. This requested that the application be rejected.

In the Committee's discussion of the application the following principal points were made:

- The site could accommodate the proposed dwelling.
- There were 6 dwellings on the opposite side of the road. The new dwelling would mean 5 dwellings facing those 6.
- It would be preferable if the dwelling was not so close to Brynglas but the situation was not an impossible one. Any future buyer would be able to decide whether the proximity was a deterrent to purchasing it.
- Officers confirmed that the applicant would need to obtain a licence from the pipeline owner to undertake works. There was no overlooking or overshadowing of neighbouring dwellings aside from Brynglas. A single storey of the proposed dwelling would be about 2 metres in front of Brynglas.
- Piecemeal development did have an effect on the character of the area. However, given the nature of the surrounding dwellings the change was in this case acceptable.

The local ward member was given the opportunity to close the debate. She reiterated her concerns about the proximity of the dwelling to Brynglas, the adverse effect on the character and amenity of Brynglas, what level of growth was sustainable and the character of the landscape.

Councillor Rone proposed and Councillor Hunt seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried with 12 votes in favour, 1 against and 1 abstention.

**RESOLVED: That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers named in the scheme of delegation to officers:**

1. **C01 Time limit for commencement (full permission)**
2. **C07 Development in accordance with approved plans and materials**
3. **C13 Samples of external materials**
4. **CE6 Efficient use of water**
5. **CBK Restriction of hours during construction**

6. **All foul water shall discharge through a connection to the local Mains Sewer network; and all surface water managed through on site soakaway-infiltration; unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Habitat Regulations (2018), National Planning Policy Framework (2019), NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2, SD3 and SD4.**

7. **Prior to first occupation evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO Bat roosting enhancements, TWO bird nesting boxes and ONE Hedgehog habitat home should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any habitat enhancement or boundary feature.**

**Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), Habitat Regulations 2018, Core Strategy LD2, National Planning Policy Framework (2019), NERC Act 2006 and Dark Skies Guidance Defra/NPPF 2013/2019.**

8. **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**

9. **CA1 Landscape scheme**
10. **Protection of trees/hedgerows that are to be retained**
11. **CKB Protection during Construction**
12. **C65 Removal of permitted development rights**
13. **CAB Visibility splays (2.4m x 43m with a 1m running lane)**
14. **CAE Vehicular access construction**
15. **CAD Access gates (5m)**
16. **CAI Parking – single/shared private drives**
17. **CAH Driveway gradient**
18. **CAT Construction management plan (including parking for site operatives)**
19. **CB2 Secure covered cycle parking provision**
20. **CCK Slab level**

**INFORMATIVES:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**56. 192773 - THE STABLES, NEW HOUSE FARM, CHURCH ROAD, LUCTON, LEOMINSTER, HR6 9PQ**

*(Retrospective planning permission to erect a wooden fence and two galvanised metal gates.)*

The Planning Officer gave a presentation on the application.

In accordance with the Council's Constitution, the local ward member, Councillor Bowen, spoke on the application. He indicated his support for it.

Councillor James proposed and Councillor Durkin seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried unanimously with 14 votes in favour, none against and no abstentions.

**RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:**

- 1. C07 Development in accordance with approved plans and materials**

**INFORMATIVE:**

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

**57. DATE OF NEXT MEETING**

The Committee noted the date of the next meeting.

**Appendix - Schedule of Updates**

The meeting ended at 4.20 pm.

**Chairperson**

## **PLANNING AND REGULATORY COMMITTEE**

**Date: 13 November 2019**

*Afternoon*

### **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

**190650 - SITE FOR ERECTION OF 6 DWELLINGS, GARAGING AND NEW VEHICULAR ACCESSSES. AT SITE ADJ. CHURCH LANE, ALLENSMORE, HEREFORDSHIRE,**

**For: Mr Owens per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire HR9 6PG**

### ADDITIONAL REPRESENTATIONS

The applicant's agent has contacted the case officer in relation to the dwelling mix and to highlight an error at paragraph 6.14 of the officer report.

### OFFICER COMMENTS

*Report corrections*

Paragraph 6.14 of the officer report should read as 2 x 2 beds, 2 x 3 beds and 2 x 4 beds being proposed rather than 4 x 3 beds and 2 x 4 beds.

### NO CHANGE TO RECOMMENDATION

**191081 - PROPOSED TWO STOREY THREE BEDROOM DWELLING HOUSE AT BRYNGLAS, CUSOP DINGLE, HR3 5RD**

**For: Mr & Mrs Garner per Mr Paul Spooner, 8 Egerton Road, Streetly, Sutton Coldfield, B74 3PQ**

### ADDITIONAL REPRESENTATIONS

One additional representation has been received from a neighbouring dwelling stating the following:

*I have just noticed that the latest block plan is drawn in a different way to previous versions and this masks a very significant change. In all of the previous iterations the front of the ground floor was in line with the front of Brynglas with the upper floor set slightly back. This is no longer the case. Now the upper floor is in line with the front of Brynglas and the lower floor, under the sedum roof is set forward. This is completely out of keeping with the street setting.*

### OFFICER COMMENTS

The change to the block plan was not found to necessitate further re-consultations given the scale and nature of the amendment. The additional representation is not found to fundamentally change the assessment within the officer report.

### NO CHANGE TO RECOMMENDATION

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>11 DECEMBER 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>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.</b></p> <p><b>THE PROPOSAL IS FOR OUTLINE PLANNING PERMISSION WITH AT LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE.</b></p> <p><b>For: per Mr Guy Wakefield, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171532&amp;search=171532">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171532&amp;search=171532</a>
<b>Reason Application submitted to Committee - Deferred from 13 November 2019 Planning Committee, Strategic Application</b>	

Date Received: 28 April 2017

Ward: Ledbury North

Grid Ref: 370373,238948

Expiry Date: 12 December 2019

Local Member: Councillor Liz Harvey

## 1. UPDATE

- 1.1 The application was presented to Planning Committee on 13 November 2019 with a recommendation of approval and was preceded by a Committee Site Visit the previous day, 12 November 2019. Following Officer and Local Members presentations, interested parties speaking and Member debate, Committee resolved –

**RESOLVED:** That consideration of the application be deferred to give the applicant time to amend the application to include a second access point through the viaduct.

- 1.2 Following this Officers have as directed discussed matters with the applicants, who respond as follows –

Bloor Homes acknowledge the decision taken by Councillors at the November planning committee meeting to defer a decision on the above named application *“to give the applicant time to amend the application to include a second access point through the viaduct”*.

However, having fully considered this option during the preparation and determination of the application and again following the November committee meeting, Bloor Homes wish to retain the currently proposed access arrangements. This decision has been made for the following reasons:

1. The proposed access arrangements have been the subject of significant technical work and very lengthy discussions with the highway authority, the Council’s own highway consultant and planning officers over the past two and a half years. Those arrangements, with the associated mitigation measures will deliver a policy compliant scheme which is endorsed by the applicant’s own highway consultant, Officers of the highway authority and the highway consultant acting on behalf of the highway authority. Indeed, the Town Council’s own appointed highways consultants TPA conclude within paragraph 4.1 of their 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 matters in question have all been addressed by PJA on behalf of Bloor Homes in their Technical Note dated 8 November 2011. This Note has been submitted to the Council and was summarised in the Update Note to the 13 November Planning Committee meeting.

Whilst Bloor Homes acknowledge the expressed preference for a vehicular access off the Hereford Road, it is a ‘preference’ and with respect that is not the scheme before the Committee for determination. The proposed site access arrangements; indeed the proposed sustainable transport links as a whole, are well considered, robust and have been scrutinised thoroughly and consistently by the Highway Authority and the Council’s retained highway consultants in order to ensure they can be recommended for approval as part of the scheme. The proposed access is technically acceptable, deliverable and compliant with the relevant policies of the Council’s adopted Local Plan and the Ledbury Neighbourhood Development Plan.

2. Health and Safety considerations are paramount to Bloor Homes. Constructing a new highway with all of the necessary excavations, foundations and service infrastructure under the arches of a C19 Grade II listed structure which supports an operational rail line 20m above would expose Bloor Homes and our contractors to significant Health and Safety risks during construction and once



operational. The proposed access onto the Bromyard Road is relatively constraint-free in comparison and alongside the associated off-site highway improvements would deliver the satisfactory access arrangement required by the development plan.

3. The existing Bromyard Road / Hereford Road / The Homend priority junction is subject to capacity issues during peak hours. There are also existing highway safety issues related to the lack of controlled pedestrian crossing facilities and the geometry of the junction precluding safe movement of HGV's to the Bromyard Road employment units and the Trading Estate.

The proposed transport strategy for the site would see the Bromyard Road / Hereford Road / The Homend junction upgraded to a signal controlled layout. This would provide the following benefits:

- Incorporation of a controlled pedestrian crossing which would resolve current issues relating to pedestrian safety at the junction.
- The upgraded layout would allow HGV's to safely manoeuvre through the junction; and
- Additional capacity to accommodate traffic from the proposed development site.

The proposals have been reviewed by Herefordshire Council and the Council's own highway consultants and as stated within the Committee Report:

- "As well as the capacity improvements that the signalised junction provides over the existing arrangement, the proposed junction offers the opportunity for wider benefits for pedestrians and cyclists as part of the overall access strategy for the site for all modes..."
  - "The junction capacity analysis that has been carried out of the proposed signalised scheme has been thoroughly reviewed and will provide capacity improvements over what would happen in the future without the development at the site".
  - "The design of the traffic signal scheme has also been the subject of a Stage 1 Road Safety Audit. Whilst the audit raised some minor issues it is considered that these can be addressed as part of the s.278 detailed design, and a suitably worded condition will be applied".
4. The proposed scheme will deliver a number of other highway related benefits for pedestrians and cyclists, including major works along the Hereford Road and safe routes to the Train Station, Town Trail and Primary School.

In summary, whilst Bloor Homes fully appreciate the expressed preference for a second vehicular access off the Hereford Road and through the Viaduct, the proposed access off the Bromyard Road fully complies with the policies in the Local Plan and is considered to be technically acceptable by the highway authority and their advisors.

Bloor Homes, therefore, respectfully wish to retain the currently proposed access arrangements to the site. Notwithstanding the views Councillors provided at the November Planning Committee, we hope members will give further consideration to this matter and support their Officers' recommendation for approval at the 11 December meeting.

In addition to the above comments, Bloor Homes were very concerned by the direction of debate at the November Planning Committee on matters of Flood Risk. To reiterate, the proposed development areas of the site lie wholly within Flood Zone 1 as confirmed by the Flood Risk Assessment which accompanies the planning application. There is no objection to the application from the Environment Agency or the Council's Drainage Engineer. Indeed, the Environment Agency clearly stated in their consultation response that they were "*satisfied the FRA is in line with the NPPF and PPG and demonstrates that the development will be safe including the impacts of climate change*".

Finally, it was particularly notable that during and after the heavy rainfall experienced in the County over the days immediately following the 13 November Planning Committee that the application site did not experience any flooding. The same cannot be said for a number of other fields surrounding Ledbury and alongside the River Leadon. I trust members of the Planning Committee will note that the FRA and Surface Water Drainage Strategy which accompanies our application confirms the development scheme would provide betterment to the existing greenfield runoff rate from the application site to the River Leadon.

## **Officer Comments**

### **2. Highways**

- 2.1 The position of Officers and the Highways Authority is clear and is unchanged from the position set out in the Committee Report attached as Annex 1 to this update and as further discussed in Annex 2, the associated Committee update sheet. There is no policy requirement for there to be more than one vehicular access to the site or for the access or any vehicular access to link to the Hereford Road roundabout under the viaduct.
- 2.2 It has been demonstrated that a satisfactory access strategy for all modes can be provided utilising a singular vehicular access from the Bromyard Road. The proposals therefore meet the objectives of Policy SS4, MT1 and LB2 to an appropriate level. Furthermore the requirements of NPPF paragraphs 108 – 111 are also satisfied. The highways network can accommodate the development without an unacceptable impact on highway safety and the impact on the road network is not severe.

- 2.3 With the proposed appropriate mitigation measures, it has been demonstrated that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development.
- 2.4- The submission demonstrates that the proposed development can be made sustainable through the provision of improved public transport or walking and cycling infrastructure of a level commensurate with the level of development proposed. It therefore satisfies Policy SS4 of the core strategy and helps deliver on the aims of policy SS7 and wider climate change objectives.

### **3 . Flooding**

- 3.1 The site area where residential employment and vehicular access is located is all within Flood Zone 1 as defined by the Environment Agency, that is land least at risk from flooding, and as clearly evidenced on the illustrative masterplan supporting the application. The detailed assessment of flood risk and drainage is set out in paragraphs 6.157 – 6.170 of the Report attached as Annex 1. It also emphasised the Environment Agency, utilities companies and Council's Drainage Engineers have no objection.
- 3.2 The following photographs show the application site on 15 November 2019 at 8:00am following 24 hours of rainfall.



1



2

- 3.3 Photograph 1 clearly shows the application site was not flooded as suggested and inferred by the Local Members email to Planning Committee Members on 14 November 2019 and as repeated and reproduced by the Town Council in a press release.
- 3.4 Photograph 2 shows a view towards where vehicular access is proposed and again, the area is clear of water. It is emphasised that this clearly corroborates that land is classified as Flood Zone 1 by the Environment Agency, and is at the lowest risk of flooding.

#### **4 Other Matters**

- 4.1 Further comments have been received following articles in the local press regarding development on the floodplain of the River Leadon. As evidenced above and in Annex 1, no housing development occurs anywhere other than Flood Zone 1. The small amount of land within the application site within Flood Zone 2 and 3 is to form open space, landscaping and accommodates the canal route.

#### **5. Summary and planning balance**

- 5.1 On consideration of the above, together with Annex 1 and Annex 2, the application has been assessed by Officers, who conclude as follows –

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.” The development plan is the Herefordshire Core Strategy and Ledbury Neighbourhood development plan.

- 5.2 Therefore a logical summarisation of the above is to assess the proposals against the criteria of Core Strategy Policy LB2 – Land north of the Viaduct and responding to each in turn:

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:

- a comprehensively planned, mixed use development of around 625 new homes, at an average density of around 40 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of Policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;

This will be delivered as described in the application description, and secured through planning conditions and legal agreement. The criteria are satisfied.

- around 3 hectares of employment land, restricted to Use Class B1;

*This will be delivered as described in the application submission and provides 2.9 hectares of employment land, with delivery and precise B1 use secured through planning conditions and legal agreement. The support of the Economic Development Manager is noted. The criteria are satisfied.*

- a target of 40% of the total number of dwellings to be affordable housing;

*This will be delivered and provided as described in the application submission, with 40% of the 625 dwellings, totalling 250 affordable homes secured through planning conditions and legal agreement. The Council's Strategic Housing Officer confirms the policy compliance of the proposals. The criteria are satisfied.*

- land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust;

*This will be delivered as described in the application description and submission, with land set aside for the canal and financial contribution secured through planning conditions and legal agreement. Precise details will be supplied within a subsequent Reserved Matters application. The criteria is satisfied.*

- a new linear informal park to link to the existing town trail, riverside walk, recreational open space and existing allotments;

*This will be delivered as described in the application description and submission, and secured through planning conditions and legal agreement. The illustrative masterplan demonstrates the deliverability of these features. Precise details will be supplied within a subsequent Reserved Matters application. The criteria are satisfied.*

- the provision of developer contributions towards any identified need for new/improved community facilities/infrastructure improvements. This shall include a new 210 place primary school within the development (or an expansion of the existing primary school) and new recreational open space, play, indoor and outdoor sport facilities;

*This will be delivered as described in the application submission, and secured through planning conditions and legal agreement. Details are set out in Section 6.130, above and are policy compliant and listed financial contributions agreed with relevant consultees. The criteria are satisfied.*

- provision of satisfactory vehicular access arrangements, the details of which will be determined at planning application stage

*This is delivered as described in the application description and submission, as assessed above in Section 6.36-62, and secured through planning conditions and legal agreement. The access arrangements satisfy CS policies SS4, MT1 and NPPF paragraphs 108-111. The criteria are satisfied.*

- appropriate mitigation to safeguard the amenity of future occupants from unacceptable levels of noise and to safeguard the continued operation of existing businesses adjoining the area;

*This will be delivered through precise details that will be supplied within a subsequent Reserved Matters application. Those details will be assessed within that application against the criteria, above, and also subject to full public consultation. Members' attention is drawn to both the technical assessments, above, and conditions, below that address technical matters such as noise and drainage that are fundamental to assess and inform layout from the outset.*

- development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and that contributes to the distinctiveness of this part of Ledbury and respects the setting and significance of the listed viaduct and the Malvern Hills Area of Outstanding Natural Beauty;

*This will be delivered through precise details that will be supplied within a subsequent Reserved Matters application. Those details will be assessed within that application against the criteria, above, and also subject to full public consultation.*

*It is noted Historic England and the Council's heritage advisors have no objection and note Reserved Matters will be the time to ensure the setting of the Viaduct is properly considered and, where appropriate, mitigated. Detailed comments on the expectations and principle requirements regarding heritage and landscape mitigation and enhancement within a Reserved Matters application have been identified by Officers. Further to that, the Ledbury Neighbourhood Development Plan, expresses, in Chapter 8 (Built Environment) that its objective is to ensure that Ledbury maintains its character as a rural market town, with new development sympathetic in style and form to the immediate surroundings and with future development contributing to the preservation of the overall distinctiveness of the town and its setting. In particular, policies Objective BE2 and policy BE2.1 (Edge of Town transition) are key. The criteria can be demonstrated to be, in principle, satisfied as shown on the illustrative masterplan and will be fully satisfied at Reserved Matters stage.*

- safeguards to ensure there is no adverse impact on water quality and quantity in the River Leadon.
- 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.
- sustainable standards of design and construction.

*The above three aspects will be delivered through precise details that will be supplied within a subsequent Reserved Matters application. Those details will be assessed within that application against the criteria, above, and also subject to full public consultation. The criteria can be demonstrated to be, in principle, satisfied as shown within the application submission and will be fully satisfied in detail at Reserved Matters stage.*

- a comprehensive sustainable urban drainage system which includes measures such as rain gardens and swales to manage ground and surface water drainage and safeguard against any increased flood risk.

*This will be delivered through precise details that will be supplied within a subsequent Reserved Matters application and also secured through conditions set out in the recommendation, including a site-wide drainage masterplan. On the basis of this and the comments from the Council's Drainage Engineers and statutory consultees, the criteria can be demonstrated to be, in principle, satisfied as shown within the application submission.*

- 5.3 On the basis of the above the proposal satisfies the site specific criteria of Policy LB2, and satisfies other relevant policies of the Core Strategy as described within the overall assessment of the proposals as relates to sustainability, environmental, transportation, landscape, heritage, ecological and economic aims and objectives.
- 5.4 In accordance with Section 38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. As concluded above the proposals are considered to accord with the development plan through meeting the criteria of policy LB2 and other relevant plan policies. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

## **6. Turning to the three objectives of sustainable development;**

### *Economic Objective*

- 6.1 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.
- 6.2 In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:
- employment and supply of associated materials, goods and services in the construction phase
  - support to local services and facilities arising from the new resident population
  - economic benefits to the Council through the payment of New Homes Bonus
  - unlocking 2.9 hectares of employment land for development to support the growth of the economy of Ledbury and its wider area and county as a whole

- 6.3 The positive economic benefits arising from the scheme are significant, and will include direct economic betterment for local shops and businesses, enable new or existing businesses to expand and remain or locate to Ledbury and provide job creation and employment opportunities. On the basis of the scale and nature of the development I attach significant weight to these benefits.

#### *Social Objective*

- 6.4 Planning's social role incorporates providing support to strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.
- 6.5 The proposal delivers a mix and range of housing, including affordable housing and employment land, which helps meet identified local demand now and for the future along with providing on site recreation facilities and landscaping. The delivery of these houses will also contribute to the social wellbeing of Ledbury through occupiers using and contributing to the town's existing society and life. The employment land will also enable the creation of a range of employment and job opportunities. Furthermore the development represents the planned growth of the town as set out within the Core Strategy and is not predatory unplanned development. Furthermore, the proposal will make an important contribution to rectifying the Council's housing land supply position.
- 6.6 As such the *social* objective is considered to be satisfied and I attribute significant weight to the benefits in community terms, particularly to the delivery of housing, establishing sustainable communities, employment opportunities and a sense of place the development will secure and delivering the planned growth of the town.

#### *Environmental objective*

- 6.7 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).
- 6.8 The proposal will enable more sustainable patterns of activity through providing new housing located where the town centre and other services and facilities are accessible by foot or bicycle from the new houses.
- 6.9 The proposal would result in less than substantial harm to the setting of a designated asset, however this is considered at the lower end of that scale, with significant landscape mitigation further minimising the harm. That harm is not considered to outweigh the wider benefits of the proposal, which includes the significant delivery of houses, including 250 affordable units and employment land, public open space and enhanced sustainable travel options.
- 6.10 Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above are positive. There is no evident harm arising in relation to other technical matters as discussed above, and officers do not feel that the



impacts of the development should tip the planning balance in favour of refusal. The application delivers the strategic expansion of Ledbury, which was directed hereabouts on environmental grounds. As such I attach positive weight to the proposals as their delivery will also enable defence against unplanned speculative development in locations more harmful in environmental terms.

### *Conclusions*

- 6.11 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. Policy SS1 also aligns itself with NPPF paragraph 11 and as a matter of local plan policy states: Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise.
- 6.12 The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

### **For Decision Making**

- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.13 As detailed above and fully within Annex 1, there is conformity with the housing, employment and sustainable development policies of the development plan which includes the Ledbury Neighbourhood Plan. These policies are consistent with the guidance contained within the NPPF. Further to the local plan policy compliance described, it is also noted the Council does not have an up to date 5 year supply of housing land and as such planning permission should be granted without delay. As the 5 year housing land supply is out of date members must accord with paragraph (d) above unless the exceptions apply. On the basis of the clear direction from NPPF paragraph 11, the local plan policy and NPPF aims and objectives compliance, and there being no technical reasons or demonstrable harm to dictate otherwise, approval is recommended as the proposal represents sustainable development.

### **RECOMMENDATION**

**That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report,**

**officers named in the Scheme of Delegation to Officers be authorised to grant outline planning permission, subject to the conditions listed within Annex 1 and any other further conditions considered necessary by officers named in the scheme of delegation to officers.**

# Annex 1 – 13 November 2019 Planning Committee Report

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 NOVEMBER 2019</b>
<b>TITLE OF REPORT:</b>	<p><b>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.</b></p> <p><b>THE PROPOSAL IS FOR OUTLINE PLANNING PERMISSION AT LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE,</b></p> <p><b>For: per Mr Guy Wakefield, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171532&amp;search=171532">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171532&amp;search=171532</a>
<b>Reason Application submitted to Committee – Strategic Application</b>	

**Date Received: 28 April 2017**

**Ward: Ledbury North**

**Grid Ref: 370373,238948**

**Expiry Date: 16 October 2018**

Local Member: Councillor Liz Harvey

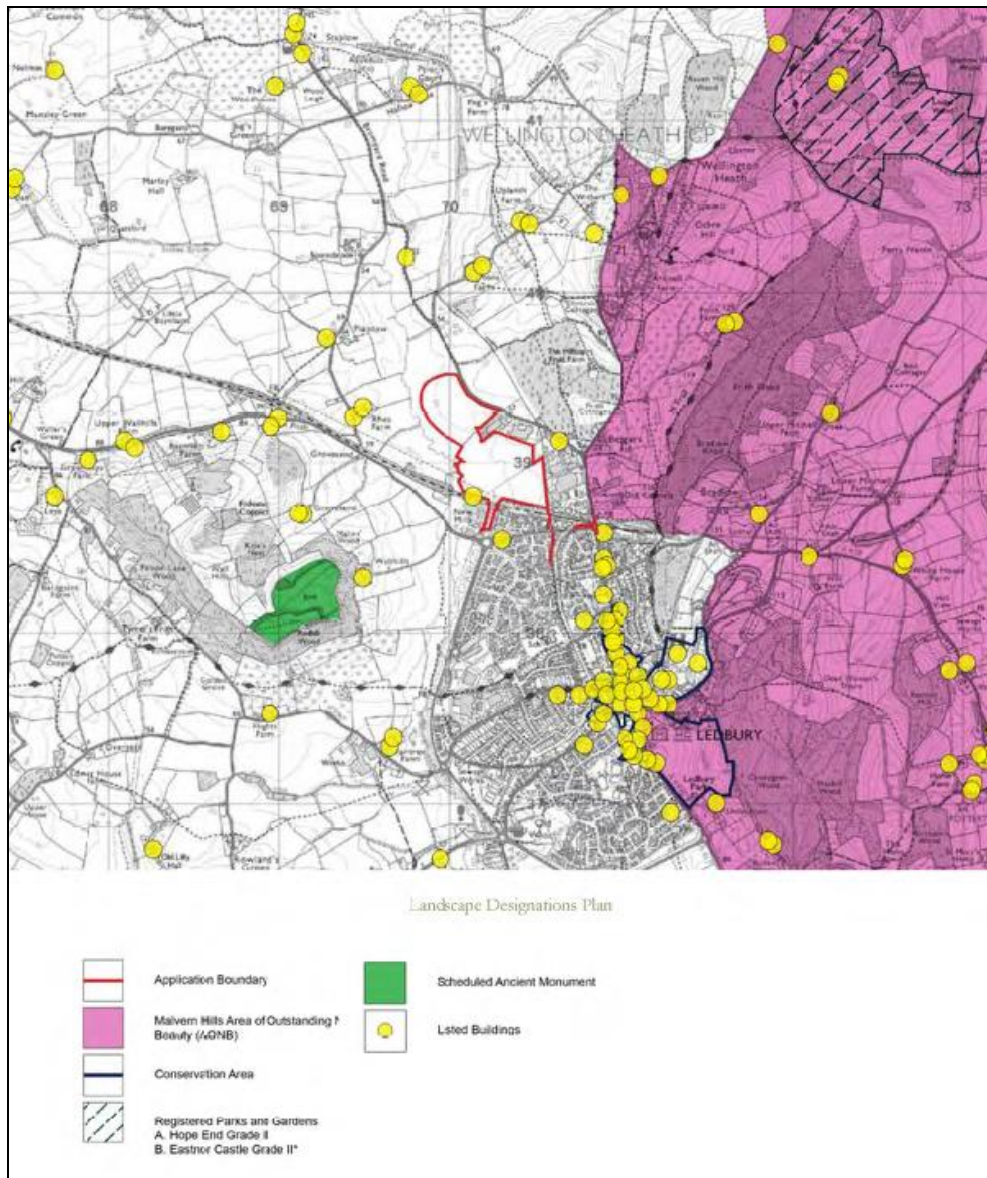
## **1. Site Description and Proposal**

1.1 The site comprises 28.1 hectares of agricultural land that lies to the northern side / north of the market town of Ledbury. The site gently slopes from the northeast to the southwest. Two wet ditches cross the site east to west with some low lying vegetation and trees running along the ditch to the south.

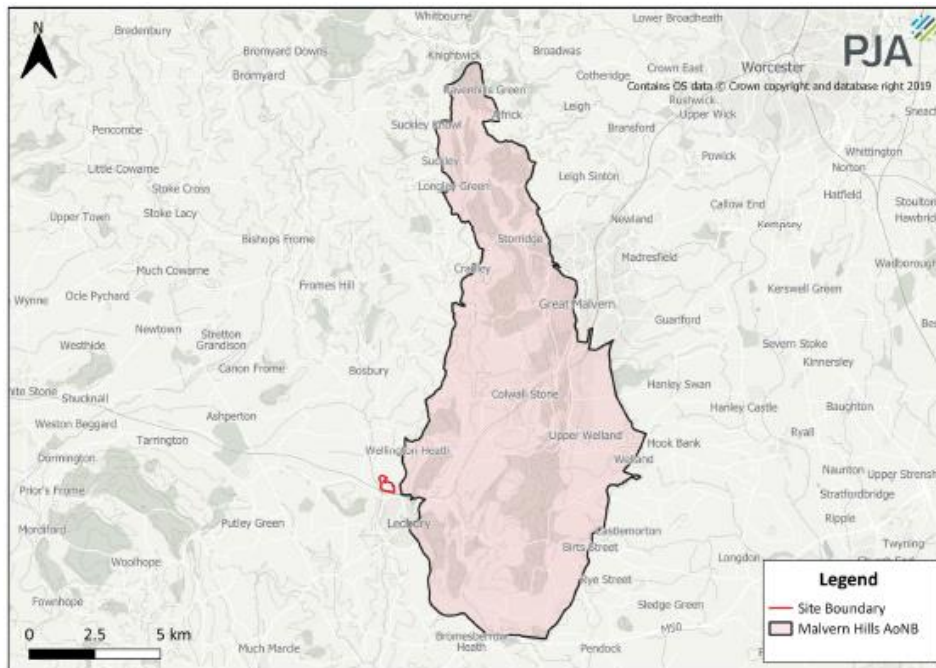
1.2 The site is bounded by the Ledbury Viaduct and the wooded railway embankment to the south which creates both a dramatic setting and prominent feature. To the east is the Bromyard Trading Estate and to the north and west agricultural land. Accordingly the site sits adjoining an industrial context. The River Leadon runs along part of the western boundary before meandering off to the west. The 1 in 1000 year floodplain of the River Leadon is confined to within approximately 75m of the western edge of the site according to the Environment Agency's floodplain maps.

1.3 The Ledbury Viaduct is a Grade II Listed railway viaduct and lies adjacent to the southern site boundary. It is considered a "landmark structure" by any reasonable definition and a defining feature / structure of Ledbury. It does not only have heritage significance but also landscape significance.

1.4 To the south west of the site Walls Hill Camp Scheduled Ancient Monument is located on the hilltop, within woodland. A Site of Special Scientific Interest (The Ledbury Cutting) designated for its geological interest lies on the south western boundary of the area which also has Local Wildlife Site status. Heritage assets surrounding to and near the site are shown below –



1.5 The site is visible from the A438 Hereford Road and B4214 Bromyard Road, and from users of train services approaching or leaving Ledbury towards Hereford. Whilst the site does not lie within the Malvern Hills Area of Outstanding Natural Beauty, much of the rising land on the east side of the Bromyard Road is within the Malvern Hills AONB. There is no doubt that the site provides part of the setting of the Malvern Hills AONB. The site is also visible from a number of public vantage points within the Malvern Hills AONB. The relationship of the site and its location with the Malvern Hills AONB is shown below –



1.6 The application seeks outline planning permission with all matters reserved except access, The application has been advertised as: *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 all matters reserved for future consideration with the exception of access.*

1.7 For clarification, the matters that are reserved for future consideration and not under assessment in detail here are appearance, landscaping, layout and scale.

1.8 Prior to submission it was confirmed by the Local Planning Authority in May 2016 that the proposed development would be categorised as Environmental Impact Assessment (EIA) development. As such, the application is accompanied by an Environmental Statement (ES), the scope of which was agreed with the local planning authority in consultation with statutory bodies.

1.9 The EIA Regulations give guidance as to whether a proposed development requires EIA, classifying proposed developments as either Schedule 1, for which EIA is mandatory, or as Schedule 2, for which EIA may be required depending on the size, location and nature of the proposals and the potential significance of the environmental effects.

1.10 The preparation of an ES draws together, in a systematic way, an assessment of the likely significant environmental effects of the development. Such an assessment helps to ensure that the importance of the predicted effects, and the scope for avoiding or reducing them, are properly understood by the public and Local Planning Authorities (LPAs) when considering a planning application.

1.11 The purpose of the ES, as required by the EIA Regulations, is to provide a description of the proposed development, a description of the likely significant effects of the development on the environment, the measures taken to mitigate those effects and a description of any remaining (residual) effects. A non-technical summary is also provided. Although the planning application is submitted in outline with all detailed matters, apart from access the ES is required to provide sufficient information to enable LPAs to determine whether planning permission should be given in principle.

1.12 The application was submitted with a significant amount of supporting documentation. This includes a Transport Statement (and appendices) alongside the Environmental statement (ES), which is accompanied by a non-technical summary and its appendices, which cover amongst other matters, the ES chapters headings, which include:

- Introduction
- Assessment Methodology
- The Proposed Development
- Planning Context
- Landscape and Visual Impact Assessment
- Cultural Heritage
- Transport
- Earthworks

1.13 The master planning of the EIA Project Area has been an iterative process, taking account of feedback from the specialists within the developer team and public and local authority consultees during the assessment of landscape and visual effects, cultural heritage, transport and earthworks. The proposed development incorporates a range of landscape and ecological features, and in particular substantial areas of public open space in order to reduce and mitigate potential impacts.

1.14 The following reports also accompanied the application, and where appropriate were amended or updated following receipt of consultation comments:

- Planning Statement
- Design and Access Statement
- Parameters Plan
- Affordable Housing Statement
- Transport Assessment
- Residential and Employment Travel Plans
- Stage 1 Road Safety Audit
- Flood Risk Assessment
- Noise Assessment
- Air Quality Assessment
- Heritage Assessment
- Arboricultural Assessment
- Geophysical Survey Report
- Foul Water and Utilities Assessment
- Water Framework Directive Compliance Statement
- Landscape and Visual Impact Assessment
- Statement of Community Involvement
- Ecological Assessment

1.15 Four rounds of full public consultation have been carried out following receipt of additional information and amended plans and details since the original application was deposited during the assessment of the application.

1.16 In addition to the supporting assessments, an illustrative masterplan of the site has been submitted with the application and is shown below –





1.17 This application therefore seeks to establish the principle of development alongside access. Access is defined in article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

*'Access' – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*

1.18 With regards to the highways context, the site is located at the north end of Ledbury. The application site is bounded by the A438 Hereford Road to the south, the B4214 to the east and existing open field to the north and west. The U67007 New Mills connects the southern access of the development to the A438 Hereford Road.

1.19 Existing access to the site is currently provided via an existing field gate from the B4214 Bromyard Road. Existing access is also provided via a field access from the U67007 New Mills. There is an existing unsurfaced track used by vehicles, evidenced by vehicle tracks, from the U67007 heading north under the viaduct.

1.20 The B4214 Bromyard Road is subject to a 30mph speed limit up to the electricity substation and 40mph up to the southern boundary of the site. Bromyard Road has a narrow substandard footway for approximately 430m from the railway bridge on the eastern side of the B4214.



1.21 The junction of Hereford Road, Bromyard Road and The Homend's current configuration is a T-junction with a right turn lane from The Homend into Bromyard Road. The junction has been historically altered to add deflection and narrow the junction. The B4214 is the only access to the Bromyard Road Trading Estate and Orchard Business Park, therefore any HGV traffic which requires access to the industrial estate must currently use the full width of the carriageway to negotiate the junction.

1.22 Close to the eastern end of Hereford Road there is a connection to the Town Trail which provides a pedestrian and cycleway connection to Ledbury Town Centre and further afield in a vehicle free environment. The Town Trail uses historic railway routes to provide the connection; this includes a railway bridge which runs over the top of Hereford Road. The route is unlit and a stone surface. The Trail is a key asset for Ledbury Town which provides critical traffic free connectivity for pedestrians and cyclists through the heart of Ledbury facilitating sustainable active travel modes.

1.23 The site is a strategic site within the Herefordshire Core Strategy as a planned Strategic Urban Extension to deliver a significant amount of housing and employment land to serve Ledbury's needs during the Plan period. The site is subject to a specific Core Strategy policy, Policy LB2, which sets out development parameters for the site.

## **2. Policies**

### **2.1 Herefordshire Core Strategy**

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering new homes
SS3	–	Releasing land for residential development
SS4	–	Movement and transportation
SS6	–	Environmental quality and local distinctiveness
SS7	–	Addressing climate change
LB1	–	Development in Ledbury
LB2	–	Land north of the viaduct
H1	–	Affordable housing – thresholds and targets
H3	–	Ensuring an appropriate range and mix of housing
OS1	–	Requirement for open space, sport and recreation
OS2	–	Meeting open space, sport and recreation needs
MT1	–	Traffic management, highway safety and promoting active travel
LD1	–	Landscape and townscape
LD2	–	Biodiversity and geodiversity
LD3	–	Green infrastructure
LD4	–	Historic environment and heritage assets
SD1	–	Sustainable design and energy efficiency
SD3	–	Sustainable water management and water resources
SD4	–	Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### **2.2 Neighbourhood Development Plan**

The Ledbury Neighbourhood Development Plan was made on 11 January 2019. It now forms part of the Development Plan for Herefordshire.

The application site is referenced and acknowledged within the NDP which states when combined with two other large scale housing sites 'together amount to commitments of over 1,000 homes which the LNDP supports'.

The Ledbury Neighbourhood Development Plan can be viewed on the Council's website by using the following link and detailed summarisation of policies is set out in the officers appraisal:

[https://www.herefordshire.gov.uk/directory\\_record/3074/ledbury\\_neighbourhood\\_development\\_plan](https://www.herefordshire.gov.uk/directory_record/3074/ledbury_neighbourhood_development_plan)

### 2.3 National Planning Policy Framework – NPPF

The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant and are explored in more details in the officers appraisal:

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

### 2.4 Other Relevant Documents

Regard has also been had to the following documents –

- Ledbury Transport Assessment
- Malvern Hills AONB Management Plan, which has statutory weight and forms part of the Local Plan
- Herefordshire Council's Landscape Character Assessment

### 3. Planning History

3.1 None

### 4. Consultation Summary

Statutory Consultations

**4.1 Environment Agency** has been consulted throughout the assessment of the application. The most recent response dated 29 August 2018 refer to additional information received and states *We previously commented on the application on the 25 May 2017 (copy attached) in which we raised no objection. The comments and conditions recommended in that response remain valid and should be considered when determining the application.*

Notwithstanding the above we note that BWB have produced a supplementary Technical Note (ref: BMW-24170-TN2, dated 14 June 2018) to offer clarification on some points raised by Cllr Harvey via ourselves. We would concur with the conclusions presented within the Technical Note and would have no further comments to offer at this time.

Those referenced previous comments stated *This is a large strategic site and we have previously provided guidance on the requirements for the Flood Risk Assessment (FRA) in our response dated 5 April 2016 (Our Ref: SV/2016/108881/01-L01) as part of the EIA Scoping.* As we highlighted in that response, the majority of the site falls within Flood Zone 1 (Low Probability) though some areas adjacent to the River Leadon fall within Flood Zone 3 (High Probability) on our Flood Map for Planning as defined in the National Planning Policy Framework (NPPF). However, the map at this location has not been produced from a detailed hydraulic model and there are some ordinary watercourses which do not have flood zones associated with them as their catchment size is too small to be mapped using a national, generalised mapping technique undertaken at this location.

A FRA was undertaken by BWB Consulting dated 24 January 2017 (Revision P2). This included the construction of a new hydraulic model of the River Leadon at this location to better inform flood risk and how the site may be affected. The model incorporated the new Severn River Basin District climate change allowances which were released in February 2016 and are shown in Table 2.2 of the FRA.

The outputs from the modelling are shown in Figure 2.2 of the FRA and confirm that the River Leadon does not impact upon the site (even in a 1 in 1000 year event) though an ordinary watercourse in the southern portion of the site does cause some flooding in a 1 in 1000 year event (but depths do not exceed 300mm). Section 2.15 of the FRA investigated historical flooding at a property and that the majority of the application site remained in Flood Zone 1 even with a doubling of flows in the model for a 1 in 1000 year event.

**Appendix 3 of the FRA details the modelling methodology used and the structures on the watercourses. The methodology has partly been based on modelling already approved by the Environment Agency in the past and we are satisfied with the techniques used and the sensitivity tests described in Section 7.0 such as blockages scenarios and assessing the impacts of different channel roughness (Mannings).**

We are therefore satisfied that the FRA is in line with the NPPF and PPG and demonstrates that the development will be safe including the impacts of climate change and recommend the following planning conditions:

Condition: *Finished floor levels shall be set no lower than 600mm above the adjacent 1 in 100 year plus 35% modelled River Leadon node level shown in Table 2.4 and Figure 2.2 of BWB Consulting's FRA dated 24 January 2017 (Revision P2) unless otherwise agreed in writing by the LPA.*

Reason: *To protect the proposed dwellings from flood risk for the lifetime of the development*

Condition: *There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of the River Leadon inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.*

Reason: To maintain access to the watercourse for maintenance or improvements.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect ground and surface water. We have produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPG's) targeted at specific activities. Pollution prevention guidance can be viewed at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

4.2 **Historic England** comments *The outline planning application is 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, ground modelling works and other associated works. All matters with the exception of access are reserved.* The site is to the north west of Ledbury, within the setting of Wall Hills hillfort, a scheduled ancient monument (National Heritage List for England UID: 1001760), as well as a number of listed buildings and potentially undesignated archaeological sites.

With regard to the listed buildings and undesignated archaeology, an assessment of the impact of the proposed application has not been made as part of this response. On this matter we would advise that you seek the views of your Conservation Officer and Archaeological Adviser and implement their recommendations in full.

Thus the remaining factor to consider in terms of the historic environment is the impact of the proposal upon the significance of Wall Hills hillfort, an Iron Age hillfort dating to the first millennium BC. The hillfort is defined by large earthen banks enclosing a total area of about 30 acres. The site represents a major achievement of a sophisticated society living in the area at that time. Considerable organisational ability, division of labour and agricultural surplus would have been required to complete this engineering exercise. The site probably acted as a tribal centre, for trading, religious and other gatherings, and also for defence. We know from archaeological findings that the Iron Age peoples of the Welsh borders traded a variety of goods, both utilitarian and luxury, within Britain and abroad. The communities who lived in the area were, however, primarily farmers, and the landscape around the hillfort would almost certainly have been intensively occupied with farmsteads. The Leadon Valley immediately to the east of the hillfort was certainly part of this landscape, and as such contributes strongly to the significance and understanding of the hillfort. The fertile valley with its secure water supply helps explain why the Iron Age peoples chose this location to build their hillfort. Whilst the exact nature of the relationships between Iron Age hillforts remains unclear, the group value of these assets makes a positive contribution towards their significance, enhancing our wider understanding of Iron Age activity within the Leadon Valley. There are two other scheduled Iron Age hillforts located in the Malvern Hills c.6.6km east and c.6.7km east-north-east of the development site, and there is the potential for there to have been inter-visibility between these sites.

The proposed development is within this landscape and as such is within the setting of the hillfort, which is defined by the NPPF as the environment in which the hillfort is experienced. Due to the low

lying position of the development site and the distance of c.750m between the development site and the Scheduled Monument, the immediate setting of the hillfort will be preserved, the development is unlikely to challenge the prominence of the hillfort, and nor would it interrupt potential views to the other Iron Age hillforts. As such, it is anticipated that the proposed development would have a limited impact on the significance of Wall Hills hillfort through development within its setting. The latter being said, the layout, design, massing and landscape of the proposed development will determine the exact level of impact and potential harm to the setting and thus, if the proposed development is granted outlined planning permission, when detailed planning is sought, the Heritage Impact Assessment should be updated and Historic England re-consulted.

### **Recommendation**

Historic England has no objection to the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of Section 16 of the NPPF.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

**4.3 Network Rail** comments Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

The developer must liaise with Network Rail's Asset Protection at the earliest point, with at least 3 months' notice, prior to work starting, to ensure the continued safe operation of the railway. The close proximity of the proposed site could bring a risk to the railway and Asset Protection involvement may be required. The client may need to sign into a Basic Asset Protection Agreement. Initially the Outside Party should contact Asset Protection through their generic inbox which is [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk)

### **LIGHTING**

The lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developer should obtain the approval of the Network Rail Asset Protection Engineer for their detailed proposals regarding lighting. Following occupation of the development, if within three months Network Rail or a Train Operating Company has identified that lighting from the development is interfering with driver's vision, signal sighting, alteration/mitigation will be required to remove the conflict at the applicant's expense e.g. a sodium light on third party land can 'wash-out' a driver's ability to perceive a signal set at red: to the train driver the signal would be perceived as yellow and the driver would proceed even though a red signal indicates danger and to stop.

### **FENCING**

If not already in place, the Developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network

Rail land and within Network Rail's boundary must also not be disturbed. Any existing Network Rail fencing at the site has been erected to take account of the risk posed at the time the fencing was erected and not to take into account any presumed future use of the site, where increased numbers of people and minors may be using the site. Therefore, any proposed residential development imports a risk of trespass onto the operational railway, which we would remind the council, is a criminal offence (s55 British Transport Commission Act 1949). As the applicant has chosen to develop a proposal next to the operational railway they must provide a suitable trespass proof fence to mitigate any risks they have imported. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment. As Network Rail is a publicly funded organisation with a regulated remit it would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by third party commercial development. Network Rail's Asset Protection Engineer will need to review the fencing to ensure that no works to the foundations undermine or destabilise Network Rail land, or encroach onto Network Rail land.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroachment onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for costs. An applicant cannot access Network Rail land without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable for all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

#### ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land both temporary and permanent, shall be kept open at all times (24/7, 365 – around the clock) during and after the development. The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land. The applicant is reminded that Network Rail has a specific right of way and as such any developer is requested to contact the Network Rail Operational Property Services Team to discuss the impact of the proposal upon our access.

#### DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure.

Proper provision must be made to accept and continue drainage discharging from Network Rail's property. (The Land Drainage Act) is to be complied with. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

Full details of the drainage plans are to be submitted for acceptance to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage plans without the acceptance of the Network Rail Asset Protection Engineers: Network Rail has various drainage standards that can be provided Free of Charge should the applicant/developer engage with Network Rail's Asset Protection Engineers.

#### SCAFFOLDING

Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary. This is to ensure that no pole(s):

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment

The applicant is requested to submit details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review and approval.

#### ENCROACHMENT

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure. Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

#### VIBRO-IMPACT MACHINERY

Where vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer. All works shall only be carried out in accordance with the approved method statement and the works must be reviewed and approved by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling. The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

#### FAIL SAFE USE OF CRANE AND PLANT

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the boundary with Network Rail. However, where this is unavoidable, Network Rail's Asset Protection Engineer must be consulted; crane working diagrams, specification and method of working must be submitted for written approval prior to work commencing on site.

#### EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full

details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Asset Protection Engineer and the works shall only be carried out in accordance with the approved details. The Network Rail Asset Protection Team will need to review all excavation works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway.

Furthermore, there must be no general lowering of present ground levels near Network Rail's boundary where the railway is on an embankment or same level as the adjoining land. Further, there must be no excavation into, nor deep continuous excavations near, the toe of embankments or retaining walls or bridge support slopes.

#### PARTY WALL

Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroachment onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for costs. An applicant cannot access Network Rail land without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable for all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer.

#### 2M GAP

The applicant must ensure that the construction and subsequent maintenance can be carried out to the proposed development without affecting the safety of, or encroaching onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Network Rail requires a minimum 2 metres gap between the development and our boundary fencing for the following reasons:

- To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space.
- To ensure that should the development fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the development falling into the path of trains.
- To ensure that the boundary cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.
- To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls etc
- To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc.

Should the applicant require access for construction or maintenance works to the development, then they must firstly receive authorisation from the Network Rail Asset Protection Team:



- 20 weeks notice is required for third party applicant's to submit details of their proposal to the Network Rail Asset Protection Team.
- Any granting of access to Network Rail land would be subject to railway site safety requirements and special provisions with all associated costs charged to the applicant (e.g. provision and costs of railway look-out, asset protection presence, and all possession costs).
- The applicant may be asked to enter into an asset protection agreement and will be liable for all costs incurred by Network Rail.
- Network Rail reserves the right to refuse any third party request for access to Network Rail land.

The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for costs. An applicant cannot access Network Rail land without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable for all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the approval of the Network Rail Asset Protection Engineer (foundation works on the boundary have the potential to undermine and destabilise Network Rail land). In light of the potential costs to the applicant we would very strongly recommend that applicants ensure that a 2m minimum gap is included as part of the proposal (including the positioning of boundary fences).

#### NOISE

Network Rail would remind the council and the applicant of the potential for any noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

We therefore strongly recommend that all future residents are informed of the noise and vibration emanating from the railway, and of potential future increases in railway noise and vibration.

#### LANDSCAPING

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway. Network Rail's Asset Protection Team would request to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata “Zebrina”

Not Permitted: Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

A comprehensive list of permitted tree species is available upon request and any landscaping proposals must be submitted to the Asset Protection Engineer.

4.4 **Natural England** comments *The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.* Their preceding comments stated Natural England has no objection to the proposed development in respect of designated sites. With regard to protected areas i.e. the Malvern Hills AONB, Natural England has no specific comments to make on the proposal but instead refers you to the advice of the AONB Team whose comments should be afforded significant weight consistent with their local knowledge of the area.

With respect to the Sites of Special Scientific Interest – *Upper Hall Farm Quarry and Grassland SSSI, Mayhill Wood SSSI, Ridgeway Wood SSSI, Eastnor Park SSSI, and The Malvern Hills SSSI,* Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

4.5 **Severn Trent Water** comments *With Reference to the above planning application the company’s observations regarding sewerage are as follows –*

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

- The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

*No dwelling hereby approved shall be occupied until the need for foul sewerage improvements have been investigated and the resulting foul sewerage improvements have been fully implemented and completed and confirmed as such by Severn Trent Water Limited in writing to the Local Planning Authority.*

*Reason - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

4.6 **Welsh Water** comments: *We have no objection to the above application.* We recommend that the applicant contacts us to discuss a connection to the potable water supply network.

4.7 **Wye Valley NHS Trust** request a contribution of £330,305.27, stating it is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable. The full detailed evidence and justification of the request is formed in a nineteen page report which can be accessed at –

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=171532&search=171532](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171532&search=171532)

### **Internal Council Consultations**

4.8 The **Transportation Manager** has no objection and comments –

### **Development Proposal and Planning Policy Framework**

The submitted application is for outline planning permission, for up to 625 residential units and 2.9 hectares of Use Class B1 employment, to be accessed from Bromyard Road, via the creation of a new four-arm roundabout junction. The scheme also includes for a canal corridor and public open space provision.

In regard to pedestrian and cycle access, the proposed development includes for a shared pedestrian / cycleway under the viaduct connecting with Ballard Close towards Hereford Road and the Town Trail. An additional proposed footway/cycle way is also proposed to be provided under the viaduct to Hereford Road Roundabout which connects to the existing footway along Hereford Road; the existing footway will be widened to provide a pedestrian / cycleway along Hereford Road from the Hereford Roundabout to the Bromyard Road/Hereford Road junction.

The policy context is set out in Policy LB2 – Land North of the Viaduct of Herefordshire Local Plan Core Strategy 2011-2031.

### **Existing Conditions**

The site is located at the north end of Ledbury. The application site is bound by the A438 Hereford Road to the south, the B4214 to the east and existing open field to the north and west. The U67007 New Mills connects the southern access of the development to the A438 Hereford Road.

Existing access to the site is currently provided via an existing field gate from the B4214 Bromyard Road. Existing access is also provided via a field access from the U67007 New Mills. There is an existing unsurfaced track used by vehicles, evidenced by vehicle tracks, from the U67007 heading north under the viaduct.

The B4214 Bromyard Road is subject to a 30mph speed limit up to the electricity substation and 40mph up to the southern boundary of the site.

Bromyard Road has a narrow substandard footway for approximately 430m from the railway bridge on the eastern side of the B4214.

The junction of Hereford Road, Bromyard Road and The Homend's current configuration is a T-junction with a right turn lane from The Homend into Bromyard Road. The junction has been historically altered to add deflection and narrow the junction. The B4214 is the only access to the Bromyard Road Trading Estate and Orchard Business Park, therefore any HGV traffic which requires access to the industrial estate must currently use the full width of the carriageway to negotiate the junction.

Close to the eastern end of Hereford Road there is a connection to the Town Trail which provides a pedestrian and cycleway connection to Ledbury Town Centre and further afield in a vehicle free environment. The Town Trail uses historic railway routes to provide the connection; this includes a railway bridge which runs over the top of Hereford Road. The route is unlit and a stone surface. The Trail is a key asset for Ledbury Town which provides critical traffic free connectivity for pedestrians and cyclists through the heart of Ledbury facilitating sustainable active travel modes.

### **Background and Latest Transport Submissions**

The Highway Authority has previously provided extensive comments on the previous transport submissions (primarily by BWB) in support of this application, and these remain valid with all matters to be agreed. A revised transport submission was prepared by Phil Jones Associates and provided to the Highway Authority in late December 2018. The Highway Authority provided comments on these in February 2019; additional information addressing these comments has since been provided.

The latest submitted documents are considered to be:

- Revised TA Version A – December 2018.
- Travel Plan Version C – March 2019.
- Stage 1 Road Safety Audit – March 2019.
- Stage 1 Road Safety Audit Designers' Response – 21/03/2019.
- Technical Note – Response to HC Comments V5 – 18/06/2019.

Mitigation measures associated with the proposed scheme include the following:

- Site access, emergency access and footway on Bromyard Road – Drawing 03468-A-016-P2.
- Pedestrian / cycle connection to Ballard Close and Hereford Road – Drawing 03468-A-015-P0.
- Pedestrian / cycle connection under viaduct connecting to The Town Trail – Drawing 03468-A-015-P0.
- Pedestrian /cycle connection on Hereford Road including a two new crossing points – Drawing 03468-A-015-P0.
- Hereford Road / Bromyard Road / The Homend, signalised junction improvement scheme including pedestrian control – Drawing 03468-A-010-P4.

All of the above have been the subject of a Stage 1 Road Safety Audit.

On review of the latest submissions, we note the additional work that has been carried out in preparing these documents in support of the planning application and that matters have been considered in further detail and have been satisfactorily addressed. The following provides a summary.

### **Traffic Impact**

The trip rates and traffic distribution are now agreed for the proposed access strategy. Assessment years have been amended to reflect the date of the revised submission with traffic growth factors applied as requested.

Our review of the junction analysis presented in the TA concluded that the impact on junctions assessed would be acceptable with the exception of the Bromyard Road / Hereford Road / The Homend junction. The Bromyard Road / Hereford Road / The Homend junction would require mitigation measures.

During the determination period, the applicants transport consultants have prepared a roundabout design and a traffic signalised design for the Bromyard Road / Hereford Road / The Homend junction,

and the designs have been discussed in detail with the highway authority. Ultimately a traffic signal scheme has been put forward as part of the submission and agreed in principle subject to detailed design. As well as the capacity improvements that the signalised junction provides over the existing arrangement, the proposed junction offers the opportunity for wider benefits for pedestrians and cyclists as part of the overall access strategy for the site for all modes which is considered below.

The junction capacity analysis that has been carried out of the proposed signalised scheme has been thoroughly reviewed and will provide capacity improvements over what would happen in the future without the development at the site. The capacity analysis has also been the subject of a sensitivity assessment which increases the number of times that the pedestrian phase is called in the signal arrangement.

The operation of the proposed traffic signal scheme is considered acceptable.

The design of the traffic signal scheme has also been the subject of a Stage 1 Road Safety Audit. Whilst the audit raised some minor issues it is considered that these can be addressed as part of the s.278 detailed design, and a suitably worded condition will be applied.

### **Site Access**

The proposed four arm roundabout junction is considered to be satisfactory arrangement in line with core strategy policy LB2 and the junction capacity analysis of this junction supports this. An emergency access on Bromyard Road is also now provided to the south of the main access.

The highway authority considers that the applicant has provided satisfactory justification for this within the TA and also within the Technical note – Response to HC comments version 5 dated 16/16/2019, within which it is confirmed that, and in the view of the highway authority, successfully demonstrated that:

1. The provision of a single point of access complies with the relevant policy guidance;
2. The development could be accessed by emergency vehicles or other road users should an accident or other event block the site access; and
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.
4. In highway capacity terms the proposed access arrangements can accommodate the anticipated level of traffic associated with the proposed development.

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.*”

It is noted that the majority of the traffic arriving / departing the site will pass along the Bromyard Road, and as such the operation of the wider highway network and specifically the Bromyard Road / Hereford Road / The Homend junction is critical to the successful delivery of the scheme. As set out above this has now been demonstrated as acceptable.

### **Emergency Access**

During discussions with the applicant and their transport consultants an emergency access was requested to be provided from the Bromyard Rd into the site. The revised access proposal as shown on PJA drawing 03468-A-016-P2 provides appropriate details of this. The details of the control of the access to avoid misuse on a daily basis will need to be secured by a condition.

### **Non-Motorised User Audit / Walking, Cycling & Horse-Riding Assessment and Review**

Following previous consultation responses, a detailed NMU has now been carried out.

The routes considered are Bromyard Road, the proposed link under the viaduct connecting to Ballard Close and the link under the viaduct connecting to Hereford Road. A number of destinations and origins on the site have been considered.

Routes have been considered from a quality, distance and perception of safety perspective. The number of anticipated users on each of the routes have been estimated based on a number of reasonable assumptions. These have been discussed and agreed with the highway authority. The TA sets this out in detail, and further clarifications have been provided as part of 'Technical Note: Response to HC comments' (18/06/2019).

The applicant has demonstrated that the walking and cycling routes in particular are appropriate for the development proposals and support the overall access strategy for the site. As a result of the analysis and the proposed mitigation measures, the highway authority is content that there are appropriate routes available for all modes of travel to the local facilities and amenities.

### **Travel Plan**

Previous comments on the Travel Plans related to deficiencies on the following:

1. The management strategy and timing.
2. Accessibility – queries regarding measurements, access points and actual routes.
3. Measures were limited relative to the size and potential impact of the site.
4. Targets and monitoring proposals needed to be clearer and provide further details on how the monitoring would actually be undertaken.
5. The action plan requires greater detail on how and when measures will be implemented.

The latest iteration of the Travel Plan addressed these matters sufficiently for this stage. An appropriate condition will need to be included to secure the Travel Plans should consent be granted.

### **Proposed Mitigation**

Mitigation measures associated with the proposed scheme include the following:

- Site access, emergency access and footway on Bromyard Road – Drawing 03468-A-016-P2
- Pedestrian / cycle connection to Ballard Close and Hereford Road – Drawing 03468-A-015-P0
- Pedestrian / cycle connection under viaduct connecting to The Town Trail – Drawing 03468-A-015-P0
- Pedestrian /cycle connection on Hereford Road including a two new crossing points – Drawing 03468-A-015-P0
- Hereford Road / Bromyard Road / The Homend, signalised junction improvement scheme including pedestrian control – Drawing 03468-A-010-P4

### **S106 contributions**

In addition to improvement measures proposed as part of the development scheme, due to its proposed scale, the development will attract Section 106 contributions for highway improvements in the area, in line with Herefordshire Council's SPD. Based on a 'medium' accessibility weighting, S106 contributions would be required as follows, towards the cost of public realm improvements and supporting active travel measures:

- Residential per 4 bed house - £3,932
- Residential per 3 bed house - £2,949
- Residential per 2 bed house - £1,966
- Residential per Flat/1 bed house - £1,674
- B1(a) (Office) per 100m<sup>2</sup> - £8,943
- B1(b) and (c) per 100m<sup>2</sup> - £6,956

It should also be noted that figures shown above are based on the information supplied and any variations to the numbers shown on the application form would have to reflect this.

Contributions would be required for some or all of the following schemes:

- Upgrading of the Town Trail to include bridge widening, street lighting, surfacing etc.
- Contributions to Safe Routes to Schools including provision of safe crossing facilities.
- Improvements to public transport provision including upgrading of infrastructure (which would need to be part of any Heads of Terms).
- Contributions towards parking controls, loading, re-paving etc.

### **Other observations**

Careful consideration will need to be given to the phasing of the development and also to the phasing of construction of the internal linkages that will connect to the external pedestrian and cycling connections that are proposed. This is required to ensure that the site is sustainably and safely connected to these the wider network and local facilities and amenities.

### **Summary and Recommendation**

It has been demonstrated that a satisfactory access strategy for all modes can be provided. The proposals therefore meet the objectives of Policy LB2 to a sufficient or appropriate level.

With the proposed appropriate mitigation measures, it has been demonstrated that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development.

The submission demonstrates that the proposed development can be made sustainable through the provision of improved public transport or walking and cycling infrastructure of a level commensurate with the level of development proposed. It therefore satisfies Policy SS4 of the core strategy.

The travel plans submitted in support of the application are not considered detailed enough to encourage travel by sustainable modes, and therefore fail to meet Policy MT1.

Given the substantial additional information that has been provided by the applicant and their transport consultant, the access and movement arrangements for all modes within the submitted application are considered to be acceptable. The highway authority therefore no longer has objections to the application.

## **Conditions**

Should the application be granted consent, the following conditions should be included.

### *CAO - Parking/unloading provision - submission of details*

The development hereby permitted shall not be brought into use until the access, turning area and parking facilities (including areas for the manoeuvring, parking, loading and unloading of vehicles) have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and such areas shall thereafter be retained and kept available for those uses at all times.

### *CAP - Junction improvement/off site works*

Development shall not begin until further details and proposed phasing of the approved junction improvements and off-site works, as shown on drawings 03468-A-016-P2; 03468-A-015-P0; 03468-A-015-P0; 03468-A-015-P0; and 03468-A-010-P4, have been submitted to and approved in writing by the Local Planning Authority. Any proposed improvements off-site will be subject to a S278 detailed design and will need to be subject to a Road Safety Audit (Stages 1-4 as appropriate).

### *CB2 - Secure covered cycle parking provision*

Before the development is commenced a scheme for the provision of covered and secure cycle parking on site and within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### *CB3 – Travel plans*

Prior to the commencement of the development, the Travel Plan as submitted and approved by the Local Planning Authority (which contains measures to promote alternative sustainable means of transport for residents, staff and visitors with respect to the development hereby permitted) 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. All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

### *Sustainable transport links – phasing*

The development shall not be occupied until further details and proposed phasing the sustainable transport links necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the local planning authority.

### *Emergency Access*

The development shall not be occupied until the details, including the control method relating to the use of the Emergency Access to be located on Bromyard Road (B4214) have been completed in accordance with details submitted to and approved in writing by the local planning authority.

4.9 The **Public Rights of Way Officer** comments *There are no rights of way within the area proposed for housing. However, public footpath ZB18 is included within the site boundary, south of the A438.* Any proposed changes to the right of way must be agreed with this department before any work is carried out a temporary closure must be applied for.

4.10 **Service Manager Built and Natural Environment (Building Conservation)** comments *The heritage statement is acceptable.* I note that the application is outline, with all matters reserved apart from access. Whilst there is an intention to maintain a view from the NW, from the indicative layout I



would be concerned of the impact of the proposals as indicated upon the appreciation of the fortuitous aesthetic significance of the viaduct. This may be a matter for any reserved matters application.

**4.11 Service Manager Built and Natural Environment (Archaeology)** comments *Although plainly the revised scheme differs in a number of respects from that previously submitted, and is presented differently, I am not convinced that it makes much difference as regards archaeology.* In the final analysis, the impact is likely to be similar. Accordingly, I would simply restate my original advice [given 07/06/2017].

- Were the application to be approved, a standard archaeological 'site investigation' condition should be applied, to record the archaeological interest. This would be standard condition E01 / C47 or similar.
- This approach would be consistent with Para 141 of the NPPF and Core Strategy LD4.

**4.12 Service Manager Built and Natural Environment (Landscapes)** comments *I have reviewed my colleague; Michael Wade's landscape consultee comments as well as the agents response and the updated masterplan.* I am satisfied that the emergency access is now shown upon the plans and that the remaining issues raised can be dealt with at reserved matters stage.

I do wish however to reiterate my colleague's comments in respect of the northern site boundary which appears an arbitrary line within agricultural land. This edge will represent the new settlement edge and should provide a transition between the urban context and open countryside, this will need to be achieved through a reduction in density of development and a looser settlement with substantially planting both at the periphery and extending into the site. If this cannot be achieved without a reduction in units then it essentially relates to the outline application and is not a reserved matter.

**4.13 Service Manager Built and Natural Environment (Ecology)** has no objection based upon updated details, subject to a number of conditions and informatives being applied to any planning permission.

**4.14 Service Manager Built and Natural Environment (Arboriculture)** comments *On the whole I do not have any concerns with the design and do not think that there are not significant constraints on trees generally.*

Where trees are to be lost there is adequate mitigation with the proposed planting in and around the development and in the green space areas. I do however have some concerns regarding the layout of the footway where the town trail meets the Hereford Rd. it appears that trees are unnecessarily earmarked for felling when, in my opinion the footway could be designed to avoid this.

The Arboriculture Impact Assessment - Land North of the Viaduct, Ledbury, Arboricultural Assessment, June 2018, drawing 7156-A-03.2 illustrates that the footway will follow the current route and cut down the slope to eventually meet the highway.

This option will result in the loss of trees: T46, 47, 50, 53, 55, 56. Admittedly some of these fells are unavoidable but T50 in particular is a prominent specimen which should be retained. I would like to see the design of this part the development to be reassessed if possible to create a more linear route running parallel with Hereford Rd. This would avoid the felling of so many trees at an entrance point to Ledbury.

Where felling is not unavoidable mitigation planting should be incorporated. These amendments will be more in line with policies LD1 & LD3 of the Herefordshire Core Strategy by retaining more green infrastructure and reducing the alteration in the Townscape.

4.15 The **Drainage Engineer** commented *The amended Flood Report reinforces the EA response to the questions raised by Town & Ward Councillor – Ledbury North inc. Wellington Heath on 17/06/2017.* The conclusion is that the FRA submitted as part of the original application is considered robust and acceptable by the Environment Agency.

Previous detailed assessment and comments from the Drainage Engineer stated –

### **Overview of the Proposal**

The Applicant proposes to construct up to 625 new homes, up to 2.9 hectares of B1 employment land, a canal corridor, public open space (including a linear park), access, drainage and other associated works. The site occupies an area of 28ha and is greenfield land. The River Leadon flows through the centre of the site and several ordinary watercourses discharge through the site into the River Leadon. The topography of the site generally slopes north-east to south-west.

### **Flood Risk**

#### *Fluvial flood risk*

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the majority of the site is located within the low risk Flood Zone 1 where the annual probability of flooding from fluvial sources is less than 1 in 1000 (0.1%). However, the western boundary of the site is located within the high risk Flood Zone 3 where the annual probability of flooding from fluvial sources is greater than 1%(1 in 100).

The source of this flood risk is the River Leadon. The Applicant has undertaken hydraulic modelling on the River Leadon and its tributaries in the site area using a 1D-2D ESTRY-TUFLOW model. The results of the hydraulic modelling indicate that the site is in fact not at risk of flooding in any event up to and including the 1 in 100 annual probability storm event, including a 70% allowance for climate change. In the 1 in 1000 annual probability storm event, flooding occurs across the southern site area from a tributary of the River Leadon.

We recommend that the EA provide technical review of the hydrology and hydraulic modelling undertaken to determine the suitability of the model results in determining flood risk at the site. In addition to the River Leadon, the Applicant's proposals include the introduction of a canal into the site adjacent to the River Leadon. No assessment of how this feature might affect flood risk at the site has been made.

#### *Surface water flood risk*

Review of the EA's Risk of Flooding from Surface Water map indicates that the southern edge of the site is located within an area at low risk of surface water flooding. It is unclear but possible that some residential property is proposed in these areas. It is noted that these areas are located in the same location as the area modelled to be at risk of fluvial flooding in the 1 in 1000 annual probability event. The Applicant states that ground levels will be profiled to encourage pluvial runoff and overland flows away from the built development and towards the nearest drainage point. The FRA also states that floor levels should be raised generally 150mm above surrounding ground levels to mitigate residual risk from other sources. We recommend that evidence should be provided prior to reserved matters approval that floor levels, entrances to properties and ground profiles have been designed to prevent surface water entering properties in the event of surface water flooding in the southern site area.

#### *Sequential and Exception Test*

In accordance with NPPF new development should be steered away from areas at flood risk through the application of the Sequential Test. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Given that a large proportion of the site is located in the low risk Flood Zone 1 and that the Applicant's FRA also concludes that the site is not at risk up to the 1 in 100 annual probability fluvial event and allowing for climate change, we recommend that the site passes the Sequential Test.

NPPF also requires that a sequential approach is applied to guide new development to areas of lower flood risk, where possible. Review of the proposed masterplan indicates that development is proposed to be offset from the River Leadon - this approach is welcomed and should be continued through to detailed design.

#### *Resilience and resistance measures*

The Applicant proposes to raise flood levels 600mm above the 1 In 100 annual probability flood level, including allowance for climate change. This approach is supported. The Illustrative Masterplan indicates that the alignment of the minor watercourses that pass through the site will be maintained. This approach is supported and we recommend a minimum corridor of 4m for maintenance purposes, and that development is set back a minimum of 8m from the bank of the watercourses. We also highlight that Ordinary Watercourse Consent is likely to be required from Herefordshire Council for any works within 8m of the watercourses. It appears that the watercourses will require culverting as they pass beneath the proposed canal. No details of these requirements have been provided. This information will be required as part of any subsequent reserved matters application - demonstrating appropriate capacity for the 1 in 100 annual probability plus climate change event and consideration of blockage risks. Consideration will also need to be given to any ecological impact and mitigation requirements.

It is noted that residential development is proposed in the area of the site that floods in the 1 in 1000 annual probability event and that this area is also at risk of surface water flooding. Whilst this is an acceptable in accordance with NPPF, we recommend that the Applicant explores opportunities to further reduce flood risk in this area - providing this information as part of any reserved matters application. If it is not possible to prevent flooding in this area up to the 1 in 1000 annual probability event, consideration must be given to the predicted flood depths during the 1 in 1000 annual probability event and recommend that floor levels are set such that all property remains flood free in the 1 in 1000 annual probability event.

#### **Other Considerations and Sources of Flood Risk**

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone and/or Principal Aquifer. The Applicant has identified groundwater within 2m of existing ground levels on site through intrusive investigation. The Applicant states that any localised groundwater flooding is likely to be routed away from the development and towards the River Leadon.

#### **Surface Water Drainage**

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. The Applicant states that "Given the increase in impermeable area of the scheme it is impractical for drainage to be infiltrated into the existing ground as soakaways should be located a minimum of 5m from buildings, trees and adopted highways. It is proposed that surface water runoff from the site is accommodated in above ground detention basins, supplemented by below ground

storage and oversized pipes, where required. It is intended that surface water will be discharged to the onsite ditches, which in turn outfall to the River Leadon."

The justification for not using infiltration techniques is not considered robust given that this is a strategic development on a greenfield site and on the periphery of existing urban development. Best practice SuDS would be expected. Given the likely high groundwater table it may not be possible to use infiltration techniques for the management of all runoff and, for that reason, we can proceed with the Applicant's proposals on a 'worst case' scenario. However, confirmation of the suitability of the site to support infiltration should be investigated during the detailed design and the results submitted as part of any subsequent reserved matters application. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

A drainage layout drawing indicating the location of key drainage features has been provided by the Applicant. The Applicant proposes to manage surface water runoff from the site by attenuating flows to the 1 in 1 annual probability greenfield rate in the 1 in 1 annual probability event; and to QBAR in all other events up to the 1 in 100 annual probability event, including a 40% allowance for climate change. If infiltration is not a viable means of managing surface water runoff, we support the Applicant's proposals and welcome the proposed discharge rates.

For the proposed outfalls to watercourses, the Applicant should also consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. Evidence that this has been considered should be provided as part of the reserved matters application. The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event. The Applicant must consider the management of surface water during events that overwhelm the surface water drainage system (including temporary surcharging of gullies) and/or occur as a result of blockage. Surface water should either be managed within the site boundary or directed to an area of low vulnerability. Guidance for managing extreme events can be found within CIRIA C635: Designing for exceedance in urban drainage: Good practice.

The Applicant states that an onsite management company will be responsible for the on-going maintenance of the drainage network.

### **Foul Water Drainage**

The Applicant proposes to discharge foul water to the existing 150mm foul sewer within the grounds of the industrial estate adjacent to the site but that a hydraulic modelling exercise will be necessary to determine if the network has capacity to accept site flows. We recommend that this should be clarified prior to reserved matters approval.

### **Overall Comment**

On the proviso that the EA approve the hydraulic modelling undertaken by the Applicant, in principle we do not object to the proposed development on flood risk and drainage grounds. Should the Council be minded to grant planning permission, we recommend that the following information is included within any reserved matters associated with the permission:

- Demonstration that there is no increase in flood risk to the site associated with the proposed canal;
- Demonstration that floor levels of all residential properties are above the 1 in 1000 annual probability flood depths in areas of the site shown to be at risk of flooding;

- Demonstration that land has been profiled and property levels and thresholds have been designed to prevent the entrance of surface water into properties in areas show to be at risk by the EA's surface water flood map;
- Demonstration that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features, supported by results of infiltration testing and groundwater monitoring;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Details of the proposed crossings of the ordinary watercourses and assessment of flood risk, demonstrating no increased flood risk up to the 1 in 100 annual probability event and allowing for climate change.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
- Demonstration of the management of surface water during events that overwhelm the surface water drainage system and/or occur as a result of blockage;
- Details of any proposed outfall structures.

Any discharge of surface water to an ordinary watercourse or works within 8m of an ordinary watercourse will require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

4.16 The **Principal Planning Officer – Minerals and Waste** comments The applicant produced an Earthworks Technical Note dated 14/6/2018 which identifies the intention to mitigate and reduce the volumes of waste produced particularly that of soil, through a Material Management Plan and an overall Construction Environmental Management plan (CEMP). The Preliminary Earthworks Strategy identifies the management of arising's on site and ways that the development will seek to reduce and minimise waste through out the phasing of development. On balance I feel that the technical note has addressed the policy requirements of W11 in the HUDP and Policy SS6 of the CS. If you are minded to recommend approval of the proposal, I would recommend a condition be imposed requiring a Construction Site Waste Management Plan (CSMP) be included, to provide a scheme for the management of all waste material arising from the site (i.e. stockpiles, waste soils, materials movements etc) form a sub component of such a Plan. This could form a sub-section to an overall Construction Environmental Management Plan.

4.17 The **Environmental Health Manager, Contaminated Land** comments *I understand this site has previously been subject to assessment and would recommend any reports be updated where available or re-commissioned where not.* These should recognise any proposed cut and fill proposed on site and its relevance to previous investigations in the context of development. With the above in mind I'd recommend [a] condition be appended to any approval.

4.18 The **Environmental Health Manager, Air Quality** comments *I refer to the Technical Note for the above application site, prepared by BWB Consulting dated 24th September 2019, which updates the air quality assessment submitted in 2017. The assessment was updated in response to concerns from Environmental Health and Trading Standards.* The concerns are outlined below:

- updated tools (such as DEFRA emission factors used for estimating vehicle emissions) are now available since the report was produced in 2017.

- local monitoring data became available and identified a potential area of elevated levels of nitrogen dioxide,
- street canyons were not modelled in the previous assessment

I can confirm that these concerns have been addressed and further assessed in the updated BWB Technical Note 2019.

The Technical Note re-assessed the potential impacts from nitrogen dioxide, and fine particulate matter (PM10 and PM2.5) as a result of increased vehicle emissions from development generated traffic. The assessment predicted pollution concentrations to be below the Air Quality Objective values for all pollutants at the modelled receptor locations for the the opening year of development 2021.

The change in pollutant concentrations as a result of the development were calculated in accordance with the methodology in the Institute of Air Quality Management Guidance: Air Pollution and Planning. The significance was determined as negligible, at all receptor locations and for all pollutants assessed.

Therefore on the basis of the submitted air quality assessment, I have no adverse comments to make in relation to air quality matters.

Should planning permission be granted, I would recommend that a condition should be imposed requiring provision of cabling and outside sockets for charging of electric vehicles:

Appropriate cabling and an outside electrical socket must be supplied for each residential property to enable ease of installation of an electric vehicle charging point (houses with dedicated parking). For developments with unallocated parking i.e. flats/apartments 1 EV charging point per 10 spaces (as a minimum) should be provided by the developer to be operational at commencement of development.

In commercial developments it is also recommended that electric charging points be installed in 10% (as a minimum) of the allocated parking spaces at the development.

4.19 The **Environmental Health Manager – Noise** comments following receipt of updated assessments and plans, I responded to the noise consultation supplied with the outline planning application for this site. Whilst not objecting per se, my response contained a number of concerns including the impact of daytime industrial noise at sites 1 and 2 (and to a lesser degree at site, the lack of a proposal for the light industrial unit B1 buffer to be extended along the whole of the industrial/residential boundary, road traffic noise and the noise assessment identifying an external amenity standard of 55dB – the local authority expected standard for noise levels in amenity areas on greenfield housing sites is the desirable 50dB standard as set out in BS8233.

You will recall that in my response I stated that *‘we would expect any subsequent reserved matters application to be accompanied by a further noise/acoustic assessment that addresses the specific layout and design of each stage of development’* and requested conditions in relation to noise should outline planning permission be granted. This subsequent response, in reflection of updated guidance requests the following condition:

The applicant must supply in writing an Acoustic Design Statement using the methodology outlined in ProPG: Planning and Noise which demonstrates in full that Stage 1 and Stage 2 Elements 1-4 of the guidance have been met.

The acoustic design statement will be expected to present the initial site noise risk assessment including a description of the acoustic conditions and determine the appropriate level of noise risk to the finished development where no additional noise mitigation measures are undertaken (Stage 1).

At Stage 2 As part of the noise risk assessment in accordance with the guidance provide evidence that the following aspects of good acoustic design have been considered: (Element 1)

- Check the feasibility of relocating, or reducing noise levels from relevant sources
- Consider options for planning the site or building layout and the orientation of proposed buildings
- Select construction types and methods for meeting building performance requirements and examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost
- Assess the viability of alternative solutions and assess external amenity area noise.

Within the Acoustic Design Statement supply evidence that internal noise levels outlined within Element 2 of the ProPG Internal Noise Level Guidelines can be met.

Within the Acoustic Design Statement supply evidence of an external amenity noise assessment in accordance with Element 3 of the ProPG Guidance. Within the Acoustic Design Statement assess all other relevant issues in accordance with Element 4 of the ProPG Guidance.

4.20 The **Principal Leisure and Countryside Recreation Officer** comments as follows –

Off-site contribution toward outdoor sports:

An Off-site contribution is now the agreed way forward towards the development of outdoor sports pitches based on the evidence bases listed below. Consideration of on-site provision (on land zoned for employment) has not been taken forward by the housing company.

Evidence Bases

In accordance with the NPPF and Sport England requirements for outdoor sports provision should be based on robust and up-to date evidence of need. In this instance they are:

- Playing Pitch Assessment Ledbury Area 2012:
- Outdoor Sports Investment Plan 2019
- Ledbury Sports Federation (Work undertaken April 2016)

The Playing Pitch Assessment 2012 Ledbury Area identified deficiencies in all 3 sports: football, cricket and rugby.

The Outdoor Sports Investment Plan provides the mechanism to keep the playing pitch assessment up-to-date. It has been prepared by a partnership (Outdoor Sports Investment Steering Group) consisting of Sport England, Herefordshire Council, County Sports Partnership and the National Governing Bodies for football, cricket, rugby and hockey. The partnership is responsible for annually reviewing the plan, keeping it updated, prioritising and overseeing the delivery of projects aligned to the strategic plans of each governing body.

For Ledbury projects are included in support of reducing the identified deficiencies in each of the following sports, football, cricket and rugby.

Since 2017, the Cricket Club has relocated and has a new facility. Therefore contributions are not required towards cricket, but the position with both football and rugby remains the same.

Ledbury Sports Federation (Work undertaken April 2016)

Supports the work undertaken for the Outdoor Sports Partnership and provides a detailed review of both current and future provision of football, cricket and rugby for inclusion in Ledbury Neighbourhood Plan

*Football: New Facilities* (4.45ha of land is required to provide pitches to meet both existing provision and deficiencies and to develop a sustainable football hub for Ledbury to accommodate both senior (Ledbury Town FC) and junior football (Ledbury Swifts FC):

- To provide a new dedicated site with security of tenure for the Ledbury Swifts (to free up land at the Rugby Club where the club currently play) to provide facilities that meet both existing needs and deficiencies based on future growth requirement for junior football
- To provide facilities that meet deficiencies for both junior and senior training needs
- To provide ground for the relocation of Ledbury Town FC (to be funded through the redevelopment of the existing site).

*Rugby: New facilities:* additional senior pitch required to meet existing and future deficiencies. The club has recently lost the use of land adjacent to the site (on a short term lease) which had 2 x senior rugby pitches. The Club now hire facilities out of county at Hartpury College. Not only is this unsustainable but constrains the clubs growth plan. At peak times this is further compounded by the use of the facilities by Ledbury Swifts FC.

*On-off Site Outdoor Sports Contribution:* Contributions are calculated on deficiencies only and are sought from all new housing developments using the following methodology from market housing only:

- £506,000: Total Outdoor Sports Investment costs (costs calculated using Sport England's Facility Kitbag)
- 800 new houses (Core Strategy Ledbury housing requirements)
- £630: Cost per market house: (Total investment costs divided by total number of houses)
- Total for this development for: 625 houses (375 market houses): £236,250

Overall contributions sought from new housing will only contribute approximately 65% of the total investment required to bring forward the projects identified below. Match funding will be sought via the Outdoor Sports Investment Steering Group and the relevant facilities development plans of the NGBs and through external funding sources.

The **Strategic Housing Manager** comments *The scheme is policy compliant in relation to the affordable housing because the developer is providing 40%, 250 units.* There would be a requirement to provide accessible and adaptable bungalows and I would look for this to be agreed in the S106 together with local connection to Herefordshire. By providing bungalows the developer would also comply with the neighbourhood development plan.

In addition to the above, I would request a condition be placed on the outline permission in relation to the mix and tenure of the affordable housing and the mix of the open market units in relation to a phasing plan to ensue that the exact mix and location be negotiated and agreed prior to any submission of the reserved matters application in each phase. The reason for this would be to ensure the needs of the area are met.

4.21 The **Economic Development Manager** comments *I have the following comments to make on the above planning application from an employment land and economic development perspective –*

#### Planning Policy

Policy SS5 of the adopted Local Plan states “New strategic employment land locations are identified at Hereford (15 ha); Leominster (up to 10 ha), Ledbury (15 ha), and Ross-on-Wye (10 ha).”

Policy E1 of the adopted Local Plan states:



“The focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment buildings, land and offices to meet the needs of the local economy. Larger employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate.”

The applicant site is not listed under Policy E1 however the policy does also state that “There is also potential for smaller sites to come forward throughout the plan period away from these strategic locations, which will also be encouraged where appropriate.”

The applicant site should be considered a smaller site (although not insubstantial at 2.9 ha) for the purposes of Policy E1. Is the location appropriate for employment use? In my opinion as the site neighbours an existing employment estate the general area is suitable for employment. Additionally given the sites location near the railway station, existing residential areas, and inclusion within a mixed use development it can be considered sustainable from an employee accessibility perspective. As a consequence I would consider the location to be appropriate under Policy E1.

It is worth noting that in Policy SS5 15ha of strategic employment land locations are identified for Ledbury, however in Policy E1 the only strategic employment land location is a 12 ha allocation identified as being “Land between Little Marcle Road and Ross Road, Ledbury”. There is therefore a gap of 3ha of employment land identified for Ledbury which would neatly be accommodated at the application site.

I consider the application to be in conformity with the employment land policies within the Local Plan.

#### Availability of Employment Land within Ledbury

It is my opinion that there are limited existing employment land sites that are available in Ledbury and on the market at this point in time. The council’s own property register indicates that there are no current development land opportunities within Ledbury or the immediate locality. This is potentially constraining the ability of local companies to identify suitable employment land to facilitate their company expansion and employee growth. This may result in some companies considering their future location in the town.

I am not aware that there are any alternative proposals to bring forward employment land at either allocated sites or alternative locations in or around Ledbury. The economic development team at the council have not been involved in discussions to bring forward alternative employment sites within the Ledbury area since the adoption of the Local Plan.

Ledbury is a sustainable and attractive location from an employment perspective with its railway station and proximity to the M50, and is a popular residential location. In my opinion there is a significant risk that the current under provision of employment land within and around Ledbury will continue should this application, and its 2.9 ha employment land allocation, not be approved. This may impact on the ability of Ledbury to meet the employment requirements of its local population.

#### Jobs

The employment allocation has the potential to facilitate job creation. Estimate job creations figures can be calculated using the governments job density guide which identifies the sqm of employment floorspace required to accommodate one job, this figure varies depending on the employment use class.

As the application identifies the employment element as a B1 class use and does not specify a split of the allocation to B1 sub classes (B1a, B1c for example) it is not possible to accurately calculate the potential number of jobs that could be accommodated within the development.

However it is my opinion that the number of jobs that could be accommodated within the allocation would be substantial and likely to be 150 and probably would be significantly in excess of this figure.

### Masterplan

The application Masterplan clearly identifies the location within the site for the employment land element. As currently designed the employment land provides a buffer between the existing employment along Bromyard Road and the wider housing proposals in the application. In the main the employment element is a stand alone allocation within the application site and there are broadly identifiable buffers with other uses in the application.

At detail design stage there may be some merit in designing any car parking space to front the site access road and push the buildings to the rear of the site to create a further buffer between residential and employment buildings.

It is notable that the wider site and the residential uses are readily accessible to other employment locations across the town either via foot, cycle or bus.

### Conclusion

For the reasons stated above, and from a purely employment land and economic development perspective, I recommend approval of this application.

## **5. Representations**

5.1 **Ledbury Town Council** objects to the proposals. Comments received 1 November 2019 are reproduced in full and were accompanied by a Transport Assessment which can be viewed at:

<https://myaccount.herefordshire.gov.uk/documents?id=7336a68d-ff19-11e9-b04a-0050569f00ae>

### *1. Introduction*

Ledbury Town Council wish to strongly object to application number P171532/0 - 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 all matters reserved for future consideration with the exception of access. Due to the controversial nature of this application Ledbury Town Council believe that any decision on this should be deferred until after the up-coming General Election (12.12.19).

Beginning with the initial public consultation for this strategic site in 2015 there has been very strong public opinion on the development of the viaduct site. The strength of feeling has become palpable in Ledbury and surrounding communities following the changes to the proposed access to the site which have been made after the public consultation was completed. This public concern is evidenced by the more than 400 objections which have been made to this proposal which are listed on the HCC planning portal. Ledbury Town Council responded to this public concern by calling for a Parish Poll which took place in July this year .

The Ledbury Town Council objection centres on the sole Bromyard Road access being "satisfactory" in planning terms.

### *2. Parish Poll*

The Parish Poll showed that 95% of those that voted (which was a statistically significant sample of the parish) did not support the current Transport and access proposals for the Bloor Development. The transport proposals were not considered to be "Satisfactory ". Ledbury Town Council has commissioned an independent review of the Transport studies made by Bloor and HCC, the results of which support the outcome of the Parish Poll.

### *3. Summary of TPA Report Finding*

Ledbury Town Council has commissioned an independent transport study produced by Transport Planning Associates (TPA). This report details significant flaws and errors with both the Bloor and HCC transport studies which substantially question the 'satisfactory' conclusions of both reports, including:-

- The critically important 'active transport' Pedestrian and Cycle accessibility link planned under the viaduct onto Ballard Close and across the Hereford Road (A438) onto a footpath into New Mills estate cannot be delivered within the available space as the boundaries shown do not match OS mapping and there is a large tree which has not been considered in not allowing the required path width within available space. This seriously undermines the options for sustainable travel claims for the development as proposed and is indicative of a lack of "on the ground" attention to detail in respect of the access provided.
- The key Bromyard Road/Hereford Road/Homend Junction has not been modelled correctly as the blocking of the access to the Railway station by traffic queuing at the junction when coming from the town has not been modelled and hence does not take account of significant delays and much slower subsequent traffic flow movements all around the junction that will occur. Incorrect pedestrian crossing times have been used. This needs re- modelling to reassess if the traffic flow estimates can still be regarded as 'satisfactory'
- The Hereford Road/Leadon Way roundabout has been modelled "as is" rather than as proposed and therefore with the incorrect layout and without the addition of a Toucan crossing. Again we feel that the amount of modelling errors in this study are indicative of either a lack of precision or an in-built bias as they generally fall in favour of the scheme being "satisfactory".
- The junction of High St/Worcester Rd/New Road has been modelled incorrectly as the nearby pedestrian crossing has not been included.
- The proposed site access on the Bromyard Road has been modelled with incorrect road widths and flare lengths, for example road widths showing up to a metre difference between facility access for central and southern parts of the development on the indicative plan. Again, these errors are in the proposals and models in the developer's favour.
- The proposed emergency access on the Bromyard Road does not provide access to central and southern parts of the development as shown in the indicative site layout.

In addition, the report suggests that there may have been insufficient consultation in respect of emergency access.

### *4. Access under the Viaduct*

Nowhere in the Bloor or HCC transport studies has there been any evidence-based analysis of the benefits and dis-benefits of providing an access to the development from the existing Hereford Road/Leadon Way roundabout despite it being an obvious choice.

The Ledbury Town Council report makes it clear that the reasons for not including this exit in the application as proposed are not based upon sound findings and it needs a total re-assessment before Ledbury Town Council could agree that using this option has been adequately considered. The Ledbury Town Council report makes it clear there are no sound planning reasons not to use this exit.

- The TPA report deals with and provides solutions to the reasons given by Bloor for not considering an access under the Viaduct.
- It goes on to detail the considerable advantages of such an access point. The report further points out that a Viaduct access point could be delivered in stages with the Viaduct access being delivered in the second stage.

Advantages to the access point at the Viaduct as outlined in the TPA report are: -

- Vehicle trips to/from the west (incl. Hereford) would not be required to travel through the constrained Hereford Road/Bromyard Road/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/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.

All of these issues are considered in a detail in the independent TPA report which has been commissioned by Ledbury Town Council and is attached to this message for your detailed consideration.

It is clear from the 2018 letter from Bloor to HCC that cost has been the only factor in this decision. However, for Ledbury, rather than merely a "Satisfactory" solution to access, we want an optimum, and future proofed solution which will provide a sustainable transport structure for the town going forward.

Ledbury Town Council would ask for clarification on whether Hereford County Council or Bloor are pushing for a single access development in this instance.

## 5. *Final Comments*

In considering sustainable transport infrastructure for Herefordshire, HCC have made the following statement with regard to the review of the bypass at Hereford:-

"All options need to be considered as we look to the long term towards providing a high quality, integrated and low carbon transport system for Herefordshire not just for the immediate future but for generations to come"

The people of Ledbury expect this policy to be delivered here in Ledbury and accordingly, Ledbury Town Council recommends that HCC Planning take careful note of the recommendations in the TPA report and reject the current single access proposals as they stand.

It is important to note that Herefordshire County Council's own highways guidance states a single access site should not be used to service sites with more than 200/300 dwellings.

Ledbury Town Council also feel that environmental modelling should be carried out before this application is determined.

Ledbury Town Council would further recommend close consultation and cooperation with the Town Council to develop this strategic site in a way which delivers what Ledbury residents and HCC want to see - a sustainable, optimal transport infrastructure for Ledbury and Herefordshire, not a minimal cost, poorly designed access which will lead to traffic congestion, air and noise pollution in the town.

Based on the Independent report commissioned by Ledbury Town Council and the outcome of the Parish Poll, Ledbury Town Council would be inclined to support this application if the secondary access via the Hereford Road roundabout were to be included, subject to traffic management remodelling.

Note from Officers – 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. However, it is emphasised the Town Council's commissioned Highways and Transportation Technical Note by TPA 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.***

5.2 **Ledbury Town Council Comments dated 8 February 2019** stated *In addition to statements already made, Ledbury Town Council has serious concerns that access is "satisfactory" and will be working to present more evidence to demonstrate our case.*

5.3 Original comments from the **Ledbury Town Council dated 25 May 2017** stated OVERALL, Given that this is a strategic allocation within the Core Strategy, Ledbury Town Council has no objection, in principle, to the development. However, members strongly objected to the proposed single means of access of the B4214 Bromyard Road.

The following recommendations were then submitted –

1. Members strongly objected to the proposed single means of access off the B4214 Bromyard Road, primarily due to concerns with the capacity and safety of the A438/B4214 Hereford Road/Bromyard Road junction at the railway station. It was felt that the options presented would not alleviate the concerns and members requested that further traffic measurements are taken.
2. Members requested that more detailed consideration should be given to providing vehicular access from the A438 Leaddon Way/Hereford Road roundabout under the Viaduct, to serve two-thirds of the residential development and the employment land, with the remaining one third of the development being served by a separate access off the Bromyard Road. This would require screening and planting for the houses in Saxon Way which would look onto the road.
3. Members requested that consideration be given to the traffic movements around the Bromyard Road that single access will have on local businesses and surrounding villages.

4. Consideration that a combined cycle way/footway link, from the southeast corner of the site, through the old canal bridge, connecting to Ballard close is essential for the connectivity of the site, creating a safe, pleasant and direct link to the Town Trail and the Town Centre, encouraging both cycling and walking. Full connectivity would require a controlled crossing of the Hereford Road to be provided to link with the existing footpath ZB18 and the cycle way/footway on the New Mills estate, leading to the Primary School.
5. Members recommend footpath and cycle way provision should also be made along the Bromyard Road to the allotments and the community garden site on Burton Lane.
6. Members recommend the incorporation of a safe crossing on the Bromyard Road where the footpaths change from west to east and from one side of the road to the other.
7. Members recommend that Bloor Homes gives consideration to substituting the approximately 3 hectares of proposed employment land with 3 hectares of land for outdoor sports provision and associated facilities. Such land would be required to be prepared and levelled, and drainage installed before the freehold being transferred to a suitable local organisation, free of charge (or for a nominal fee, e.g. £1). The reason for this is that whilst members appreciate the need exists for both employment and sports land, the need for outdoor sports/playing fields is more imminent/urgent. The Town Council is conscious of the strategic employment allocation of 12 hectares of employment land within the Core Strategy, to the rear of the Heineken site, off Little Marcle Road.

5.4 **Wellington Heath Parish Council** *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.

Our representation of 15th June 2017 presented detailed arguments against what was proposed for access at that time and we do not believe that the current proposals contain any changes that might otherwise ameliorate the anticipated severe traffic congestion at the Hereford Road / Bromyard Road junction. More specifically , we wish to re-emphasise our community's concerns that the lack of vehicular access beneath the viaduct from the Leadon Way roundabout and the total reliance on access from the Bromyard Road will result in a very significant increase in "rat-run" traffic though the narrow lanes through and to the east of Wellington Heath. The complete absence of pavement for pedestrians ( or cyclists ) in our village and beyond raises major health and safety concerns which are acutely felt during summer months when seasonal workers use Ledbury road and Beggars Ash as their preferred pedestrian route into Ledbury.

We note the distance given from the proposed Bromyard road access roundabout to the Bromyard Road /Hereford Road junction is 950m . At a rough calculation this will be 70% greater for residents of the southern section of this proposed new development. For that group in particular ,vehicular routes to Colwall, the Malverns, Upton and Eastnor will most likely be via Burtons lane or Beggars Ash.

We would urge Herefordshire Council to reconsider a vehicular access to this site beneath the railway viaduct for which there are many precedents to be found nationwide.

The amended transport proposal for this development ( December 2018 ) makes reference to

several paragraphs from the N.P.P.F ,including paragraph 109 which states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

On this basis we believe that this development should be refused until the current issues relating to an “unacceptable impact on highway safety, or the residual cumulative impacts on the road network “have been resolved.

5.5 **Bosbury and Coddington Parish Council** object as follows, *The present entrance is wholly inadequate and will have a huge impact on the traffic into the village of Bosbury, Stanley Hill and Ledbury, as well as swamping the B4214.* The obvious entrance should be under the viaduct. The proper access to the site needs to be resolved before detailed planning permission is granted.

5.6 248 **letters of objection** have been received, the overriding majority of comments are on the access in terms of a. its location, and b. there only being a singular point of access. Objections are summarised below under the headings *Highways based Comments* and *General Planning comments* for convenience –

#### Highways based comments

- No vehicular access from or to the Hereford road
- Increase in traffic volume on Bromyard road
- Use of rural roads as a ‘rat run’
- Highway safety concerns including pedestrian and equine users
- Emergency services require a second access point
- Congestion at Hereford road/ Bromyard road junction
- Adverse impact on the highway network
- Impact on Wellington Heath
- Insufficient pedestrian and cycle access
- Concern over the Transport Assessment by BMB Consulting
- Vehicular access should be under viaduct off Hereford road roundabout
- Impact on the Malvern Hills AONB
- Network Rail confirm vehicular access under the viaduct is in principle feasible
- If a canal can go under the viaduct a road can

#### General Planning comments

- Impact on services and facilities, particularly education and health
- Lack of supporting infrastructure for such a large development
- Environmental damage
- Query over affordability of affordable homes
- Overdevelopment and over expansion of Ledbury
- Not an appropriate site as it will not integrate with the town
- Impact on local healthcare services and provision
- Not enough School places
- Question money spent on canal
- Site should deliver a new primary School
- There are more suitable sites
- Concern regarding flooding
- Incompatibility of housing and employment uses
- Will preclude the extension of the Ledbury bypass to North and East
- The canal is a canal to nowhere
- Canal money should be spent on health, education

- The canal is not a restoration or reinstatement of an historic canal
- The town centre is outside the maximum walking distance
- A lake would be better than a canal
- Should be more soft landscaping for wildlife
- Houses closest to River Leadon in danger of flooding
- Loss of arable land and impact on food production
- Loss of and development on 'best and most versatile' agricultural land
- Employment land is not needed
- Impact on the Grade II listed viaduct
- Ledbury has an under provision of sports facilities and the proposals do not help deliver or address this

5.7 **1 letter of support** has been received, comments are summarised as –

- Proposal will deliver affordable homes
- Local people who cant get a home will be able to
- Redevelopment of the canal

5.8 The following further comments were made within representations and also extracted from 33 representations classified as mixed –

- Adjoining businesses should be allowed to expand into the employment land
- Allowing expansion of existing adjoining businesses will reduce traffic through the estate
- The site is the agreed housing strategy for Ledbury
- No objection to the number of houses
- Proposal will create positive impacts on local economy and service

5.9 The **Campaign to Protect Rural England (CPRE)** comments *Herefordshire CPRE does not wish to object to the principle of the above application as development of this site is included in the Herefordshire Core Strategy (HCS).*

The proposal for cycle-way / footpath from the south of the site, under the old canal bridge connecting directly to the Town Trail is a good option. Opportunities to establish and link to existing pedestrian and cycle routes from the site to the town are identified. However, we are concerned that the site access arrangements, which this outline planning application deals with, do not appear to comply with the Core Strategy policies LD2 and MT1. Concerns regarding congestion, highway safety and impact on rural lanes in the area are expressed.

The full comments of the CPRE can be accessed at -

<https://myaccount.herefordshire.gov.uk/documents?id=a0f21836-50dc-11e7-96a6-0050569f00ae>

5.10 The **Malvern Hills AONB Unit** objects to the application and their key points are summarised below. Links to their comments as provided on the website are below:

Comments in full dated 23<sup>rd</sup> September 2019 can be seen at:

<https://myaccount.herefordshire.gov.uk/documents?id=98e92325-e454-11e9-955d-0050569f00ae>

Comments in full dated 16<sup>th</sup> June 2017 can be seen at:

<https://myaccount.herefordshire.gov.uk/documents?id=a01b6a5e-55c6-11e7-bb0f-0050569f00ad>

*Traffic and tranquillity*



The AONB Unit's principal objection to the application remains an objection not to the number or siting of houses proposed but to the reliance of vehicular access onto the Bromyard Road and the likely 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 seem crystal clear:

1. 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.
2. 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 landscapes' are all mentioned in the list of the special qualities of the Malvern Hills AONB (page 9 of the AONB Management Plan, 2019-24). '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 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 the proposed development on the AONB appear to be counter to the principal objective 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 of traffic through Beggars Ash in the current application appears to be lower than that 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 movements 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 that 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 effects 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 to all who are charged with conserving and enhancing the natural beauty for the AONB.

#### *Visual effects and the setting of the Malvern Hills AONB*

The Malvern Hills AONB Management Plan (2019-24) confirms the significance of the setting of the AONB. It states that if the quality of the setting declines then the appreciation and enjoyment of the AONB itself diminishes. The loss and degradation of views is identified as a particular issue in the Malvern Hills AONB. Due to the topography of this nationally designated landscape, people enjoy extensive views out to the countryside beyond the AONB boundary whilst the same topography contributes to the enjoyment of views towards the AONB. Without careful management views within, from and to the AONB may be lost or degraded as vegetation grows or structures are built. As referred to above, support for sensitive development in the setting of AONBS now exists in National Planning Practice Guidance.

The AONB Unit does not dispute the fact that, when viewed from a number of viewpoints within the AONB to the east, the proposed development will be seen behind a foreground of large units ('detracting features') constructed for industrial/employment use. However, the Unit considers that the applicant downplays the effects of the proposed development in extending built form to the west. Not only will the proposed development extend the built envelope into open countryside but it will do so with a form of development (residential, estate-style housing along with parked cars, gardens, fences etc.) which does not currently form a part of the scene in many existing views. It is the cumulative effects of a marked increase in built form, in combination with the existing detracting features, which is likely to have a detrimental effect on the setting of the AONB.

#### *Views towards the AONB*

The Unit notes that there will be views towards the development from the west which will incorporate the woods and fields of the high ground of the AONB as a backdrop. Such views may be of considerable significance bringing enjoyment to local people and to visitors. It is important that the impact of the development of these views is adequately assessed and that mitigation seeks to preserve these views by successfully integrating any development into the landscape.

#### *Design, materials and colours*

As demonstrated above, the site will be visible in views from and towards the AONB and therefore it is important that the site integrates well into the landscape which forms the setting of the AONB. As such, we would welcome some more robust evidence of the applicant's consideration of how the proposed design, building materials and colours will help to minimise the visual impact of this development on the AONB. The AONB Partnership recently published Guidance on how Development can Respect Landscape in Views which sets out a number of principles which should be considered to help conserve and, where possible, enhance views to and from the AONB. The applicant should also consider the AONB Unit's guidance on colour in the landscape. All guidance documents can be found on the Unit's webpages <http://www.malvernhillsaonb.org.uk/managing-the-aonb/guidance-documents/>

If you are minded to approve the current application the Unit would expect compensation for the AONB from increases in traffic, as per policy TRP6 of the AONB Management Plan.

5.11 **Herefordshire and Gloucestershire Canal Trust** confirm their support of The Herefordshire and for Bloor Homes outline planning application for Land North of the Viaduct, Ledbury in letter dated 1 November 2019 as follows –

Having considered the application as a whole, we are content that the proposals incorporate the necessary measures to help to meet the Trust's ultimate aim of completing the full restoration of the Canal from Gloucester to Hereford.

The Trust considers that the proposals are consistent with the policies of the adopted Herefordshire Core Strategy and the Ledbury Neighbourhood Plan. As you are aware, Policy E4 'Tourism' of the adopted Core Strategy safeguards the historic route of the Herefordshire and Gloucestershire Canal and provides for necessary deviations from this route. Specifically, site specific Policy LB2 'Land North of the Viaduct' of the Core Strategy which provides for "land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust". In respect to this policy, the Trust have considered the proposed route alignment of the corridor of land proposed by Bloor Homes as shown on the Illustrative Masterplan which accompanies the outline application. Notwithstanding this is an indicative alignment and the detailed design arrangements for the canal are yet to be prepared, we consider that the proposed alignment is consistent with the Key Diagram at Figure 4.8 of the Core Strategy.

With regard to the 'contributions' aspect of Core Strategy Policy LB2, the Trust have seen the letter from Bloor Homes to Carl Brace, Principal Planning Officer dated 5 September 2019 and we consider that the proposed sum offered by Bloor would facilitate the potential for a restored Canal. For the avoidance of doubt the sum offered would provide 40-50% of the total cost of restoration of the proposed section of canal, depending on the amount of volunteer labour utilised. This would make a valuable contribution to the extensive areas of new, accessible public open space that Bloor Homes propose to create north of the Viaduct and will link seamlessly to the Ledbury Riverside Walk. The Canal and adjoining parkland would also respect the setting of the Grade II listed Viaduct, in particular through the sensitive manner in which it could be incorporated into the landscape and the tranquillity it would bring to this area of public open space.

Therefore, the Herefordshire and Gloucestershire Canal Trust support the 'land and contributions' proposed by Bloor Homes to facilitate a restored Canal through the application site and we hope that Herefordshire Council will approve the proposals.

**5.12 John Masefield High School** through the Head Teacher and Chair of Governors has two major concerns regarding the proposals summarised below, and also references other applications around Ledbury –

1. That the development will increase student numbers and therefore more classrooms and facilities for students for science, sports, arts and recreation are required. JMHS is already oversubscribed with more than 150 students applying for the 150 school places in Y7 for each of the past four years. Each year we have accepted all students who have applied and exceeded our Planned Admission Number of 150. We do this as we strongly believe that all who apply to our school should be offered a place at their preferred local school. However with more local housing, the numbers will increase further and we will require up to four new classrooms and two new science laboratories. JMHS also has an excellent reputation for arts and sport and we will need to enhance facilities for these subjects in order to make sure all can participate. If you wish to have further details of the effect of increased student numbers please let us know at school. The School states it does not expect developers to pay for the full cost of the expansion of the school but do feel it right and fair that developers do make a significant contribution towards the cost, so that the School can continue to offer places and an excellent standard of education to the community.
2. Concerned that the proposals will increase the number of pupils who arrive at school by car. JMHS does not have room for additional traffic on the school site. The school actively promotes a healthy lifestyle for its pupils. For safe and healthy access to school, a guarantee of direct and dedicated cycle and foot paths from all the new developments to the school site is requested. These should be safe enough for children to use unsupervised, and they should not cross or join busy roads.

**5.13 Ledbury Primary School** through its Governing Body comments on the application and two other major housing applications as a singular response as follows –

*LPS values its role as a community school on a large site, available to serve all families with young children living in Ledbury. LPS, is therefore ready to accommodate the 7 or more extra classrooms and related spaces (including for pre-school children) that would be needed if new housing and birth rate increase, bring to the town an additional 150-300 (or more) children of primary school age.*

However the school does have several areas of concern -

- The need for safe and healthy walking, scooting and cycling routes to school for children and their families (including allowance for young children in pushchairs and prams) from

all new developments directly to the school site. These should not cross or join busy roads without safe pedestrian crossings.

- The town immediately around the school already has a decent network of footpaths, but the links across the bypass and other major roads need to be better developed.
- The need to contain the already considerable pressure on school parking areas - it is source of annoyance to neighbours as well as for the school. There is no room available to make such an expansion, even if that were desirable.
- The need for adequate recreation and social provision for 0-18s in locations safely accessible from where they live.

All of these areas of community concern require addressing at the planning stage, with the possibility that developers might have responsibility to provide appropriate support (e.g. in providing for segregated walking and cycling pathways as already happens in the housing estate around LPS)

We strongly recommend that the council prioritises developments which reduce the reliance on car usage and promote safe and sustainable travel.

5.14 The consultation responses can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=171532&search=171532](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=171532&search=171532)

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## **6. Officer's Appraisal**

*Policy context and Principle of Development*

### **Legislation**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows "*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*" The development plan is the Herefordshire Core Strategy and Ledbury Neighbourhood development plan.

6.2 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following respectively:-

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

*"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

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

6.3 Policy LB1 – *Development in Ledbury* states Ledbury will accommodate a minimum of 800 new homes balanced with a minimum of 15 hectares of new employment land during the plan period. The majority of new housing development will be focussed to the north of the town as set out in Policy LB2 and the strategic location for new employment of around 12 hectares to the west of the town, south of Little Marcle Road. Further development will take place through the implementation of existing

commitments, infill development, and sites allocated through a Neighbourhood Development Plan. A number of sites which have future potential for development have been identified in the Strategic Housing Land Availability Assessment (SHLAA).

Within Ledbury, new development proposals will be encouraged where they are relevant to this application:

- maintain and enhance the vitality and viability of the existing town centre.
- improve accessibility within Ledbury by walking, cycling and public transport, particularly where they enhance connectivity with, for example, local facilities, new employment areas and the town centre;
- contribute to addressing deficiencies in community facilities and/or allow for infrastructure improvements (including broadband) in the town, to promote sustainable development;
- reflect and enhance the characteristic built historic elements of Ledbury, such as its stone, brick and timber-framed buildings, medieval plan form, conservation areas and setting overlooking the Leadon Valley;
- protect and enhance its green infrastructure, including connections to the public right of way network and biodiversity, particularly the Malvern Hills Area of Outstanding Natural Beauty to the east and the Leadon valley to the west;
- protect and enhance the setting of the town from eastern and western viewpoints; and, where this is not possible, incorporate appropriate mitigation measures; and have demonstrated engagement and consultation with the community including the town council.

6.4 The site is located where the planned strategic housing and employment expansion of Ledbury within the Core Strategy is directed and subject to a specific local plan policy, **Policy LB2 – Land north of the Viaduct** which states

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:

- a comprehensively planned, mixed use development of around 625 new homes, at an average density of around 40 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of Policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;
- around 3 hectares of employment land, restricted to Use Class B1;
- a target of 40% of the total number of dwellings to be affordable housing;
- land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust;
- a new linear informal park to link to the existing town trail, riverside walk, recreational open space and existing allotments;
- the provision of developer contributions towards any identified need for new/improved community facilities/infrastructure improvements. This shall include a new 210 place primary school within the development (or an expansion of the existing primary school) and new recreational open space, play, indoor and outdoor sport facilities;
- provision of satisfactory vehicular access arrangements, the details of which will be determined at planning application stage;
- appropriate mitigation to safeguard the amenity of future occupants from unacceptable levels of noise and to safeguard the continued operation of existing businesses adjoining the area;

- development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and that contributes to the distinctiveness of this part of Ledbury and respects the setting and significance of the listed viaduct and the Malvern Hills Area of Outstanding Natural Beauty;
- safeguards to ensure there is no adverse impact on water quality and quantity in the River Leaddon;
- 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;
- sustainable standards of design and construction; and
- a comprehensive sustainable urban drainage system which includes measures such as rain gardens and swales to manage ground and surface water drainage and safeguard against any increased flood risk.

6.5 Policy H3 – *Ensuring an appropriate range and mix of housing* states Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. Also, Policy H3 indicates that the latest *Local Housing Market Assessment* will provide evidence of the need for an appropriate mix and range of housing types and sizes. Whilst it is not in dispute these are policies for the supply of housing they also have wider implications in terms of ensuring the social benefits of providing a suitable mix of housing types.

6.6 The Herefordshire Local Housing Market Assessment (HLHMA) formed part of the evidence base for the CS, although it is now in excess of five years old. However, it is specifically cited in CS Policy H3 and without any other substantive evidence in regard to housing need in this area significant weight is attached to this. For the Ledbury area the HLHMA indicated that the greatest demand was for two and three bedroom housing, which was estimated as providing 30.5% and 55.2% of open market housing needs, and 38.3% and 30% of affordable housing need with four bedroom or larger housing providing only 10% of the estimated open market and 4% of the affordable housing needs.

6.7 Core Strategy Policy SS4 – Movement and transportation states: *New developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.*

6.8 The policy sets out that development proposals will generate high journey numbers should be in sustainable locations, accessible by means other than private car. Alternatively, such developments will be required to demonstrate that they can be made sustainable by reducing unsustainable transport patterns and promoting travel by walking, cycling and public transport. Proposals to provide new and improved existing public transport, walking and cycling infrastructure will be supported. Where appropriate, land and routes will be safeguarded as required in future local or neighbourhood development plans and developer contributions, which meet the statutory tests, sought to assist with the delivery of new sustainable transport infrastructure, including that required for alternative energy cars.

6.9 Core Strategy policy SS6 describes proposals: *should conserve and enhance those environmental assets that contribute towards the county's distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*

6.10 Policy SS6 then states in its list of criteria: *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*

6.11 Core Strategy Policy SS7 – *Addressing climate change* states Development proposals will be required to include measures which will mitigate their impact on climate change. At a strategic level, this will include:

- focussing development to the most sustainable locations;
- delivering development that seeks to reduce the need to travel by private car and which encourages sustainable travel options including walking, cycling and public transport;
- designing developments to reduce carbon emissions and use resources more efficiently;
- promoting the use of decentralised and renewable or low carbon energy where appropriate;
- supporting affordable, local food production, processing and farming to reduce the county's contribution to food miles\*;
- protecting the best agricultural land where possible

Key considerations in terms of responses to climate change include:

- taking into account the known physical and environmental constraints when identifying locations for development;
- ensuring design approaches are resilient to climate change impacts, including the use of passive solar design for heating and cooling and tree planting for shading;
- minimising the risk of flooding and making use of sustainable drainage methods;
- reducing heat island effects (for example through the provision of open space and water, planting and green roofs);
- reduction, re-use and recycling of waste with particular emphasis on waste minimisation on development sites; and
- developments must demonstrate water efficiency measures to reduce demand on water resources.

6.12 Core Strategy Policy MT1 – *Traffic management, highway safety and promoting active travel* states Development proposals should incorporate the following principle requirements covering movement and transportation:

1. demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development;
2. promote and, where possible, incorporate integrated transport connections and supporting infrastructure (depending on the nature and location of the site), including access to services by means other than private motorised transport;
3. encourage active travel behaviour to reduce numbers of short distance car journeys through the use of travel plans and other promotional and awareness raising activities;
4. ensure that developments are designed and laid out to achieve safe entrance and exit, have appropriate operational and manoeuvring space, accommodate provision for all modes of transport, the needs of people with disabilities and provide safe access for the emergency services;
5. protect existing local and long distance footways, cycleways and bridleways unless an alternative route of at least equal utility value can be used, and facilitate improvements to existing or provide new connections to these routes, especially where such schemes have been identified in the Local Transport Plan and/or Infrastructure Delivery Plan; and
6. have regard to with both the council's Highways Development Design Guide and cycle and vehicle parking standards as prescribed in the Local Transport Plan - having regard to the location of the site and need to promote sustainable travel choices.

Where traffic management measures are introduced they should be designed in a way which respects the character of the surrounding area including its landscape character. Where appropriate, the principle of shared spaces will be encouraged.

6.13 Core Strategy policy LD1 – *Landscape and townscape* criteria requires new development must achieve the following:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management

6.14 Core Strategy policy LD4 – *Historic environment and heritage assets* sets out as relevant to this appeal that Development proposals affecting heritage assets and the wider historic environment should:

*1. Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible*

*2. the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas*

6.15 Core Strategy Policy E4 – *Tourism* describes how Herefordshire will be promoted as a destination for quality leisure visits and sustainable tourism by utilising, conserving and enhancing the county's unique environmental and heritage assets and by recognising the intrinsic character and beauty of the countryside. This is supported by a number of measures including the safeguarding of the historic route of the Herefordshire and Gloucestershire Canal, together with its infrastructure, buildings, towpath and features. Where the original alignment cannot be re-established, a corridor allowing for deviations will be safeguarded. New developments within or immediately adjoining the safeguarded corridor will be required to incorporate land for canal restoration. Development not connected with the canal that would prevent or prejudice the restoration of a continuous route will not be permitted.

### **Ledbury Neighbourhood Development Plan**

6.16 The Ledbury Neighbourhood Development Plan was made on 11 January 2019. It now forms part of the Development Plan for Herefordshire.

The application site is referenced and acknowledged within the NDP which states when combined with two other large scale housing sites – *'together amount to commitments of over 1,000 homes which the LNDP supports'*.

The NDP with regards to housing delivery sets out: *It is considered that these sites, in conjunction with the site allocated by the LNDP and windfall sites that will come forward within the settlement boundary, more than meet the needs of the town in terms of housing provision over the plan period.*

Policy HO2.2 – *Housing Density* requires The housing density of new development should respect its surroundings through good design which responds positively to local character. Housing densities should be within the range of 30 to 50 dwellings per hectare. In keeping with local character, housing



densities should be at the higher end of this range towards and within the town centre and at the lower end of the range towards the edge of the settlement.

Policy HO2.1 – *Reinforcing Balanced Housing Communities Proposals* requires developments should demonstrate the provision of a mix of building sizes, types and tenures of housing, which can include:

- Affordable housing
- Starter homes
- General housing for sale at market value
- Housing for those with disabilities

Policy HO4.1 – *Housing for Young People* – states Proposals for 1, 2 and 3 bedroom starter homes will be supported.

A key built environment objective of the NDP is: To protect the transition from town centre to edge of town where it is more rural, so that any new ‘edge of town’ development maintains the character of the current settlement boundary.

Policy BE2.1 – *Edge of Town Transition* states: The density of housing in the vicinity of the perimeter of the town should be appropriate to the location and type of housing that is required, and its environment. Whilst exceptions may be appropriate, buildings in the vicinity of the perimeter of the town should respect local character and not be more than 2.5 storeys in height. The protection and enhancement of existing, or establishing of new, hedgerows, woodland, green spaces, landscape features and street trees will be supported. Development should respect the setting of the Malvern Hills AONB.

Policy BE1.1 – *Design* states Development should demonstrate that it is sympathetic to the character and appearance of Ledbury and where possible, that it contributes to the conservation and enhancement of the overall distinctiveness of the Neighbourhood Area. The use of design review is strongly supported.

Policy TR1.1 – *Footpaths & Cycleways* states Improvements and/or extensions to the network of footpaths and cycling routes in the Neighbourhood Area will be supported , especially where they:

- Create appropriate crossing facilities dedicated to cycle, pedestrian and disabled access from the proposed strategic housing location north of the viaduct to give safe access to the station, schools, out of town shops and the town centre
- Improve cycling, pedestrian and disabled access to and from the station and the town, especially where junctions create a hazard
- Improve the Ledbury Town Trail to provide better cycling and disabled access along its whole length, including provision of street lighting and footbridges
- Extend the Ledbury Town Trail at the Ross Road roundabout over Leadon Way to provide safer cycling, pedestrian and disabled access to the Rugby Club and new Cricket Club
- Provide an appropriate crossing facility across Leadon Way at the Little Marcle Road roundabout for cyclists, pedestrians and the disabled, going to and from the Little Marcle business and farming areas.

## **National Planning Policy Framework**

6.17 The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:

- Chapter 2. Achieving sustainable development

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

6.18 Chapter 2 sets out and defines sustainable development and of the three overarching objectives, economic, social, and environmental, which are interdependent and need to be pursued in mutually supportive ways. The economic objective aims to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and the environmental objective aims to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

6.19 In terms of decision making; Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means: approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.20 With particular reference to the matter of access, the NPPF sets out how transportation, highways impact and non-vehicular movement should be considered, assessed and supported in paragraphs 108 – 111, stating –

*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.21 Paragraph 109 explicitly states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

6.22 Paragraph 110 then states Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.23 Finally, paragraph 111 requires; All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

6.24 With reference to the principle of development the NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.25 NPPF paragraph 180 states Planning Policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life

### Housing Land Supply and decision making

6.26 NPPF paragraph 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

6.27 The Council has published its up to date housing land supply position (as of April 2019) and this is confirmed to be 4.05 years. As such the Council does not have an up to date 5 year supply of housing land as required by the NPPF. The Council's Housing Land Supply deficit means paragraph 11 of the National Planning Policy Framework (NPPF) is engaged in the assessment of housing proposals.

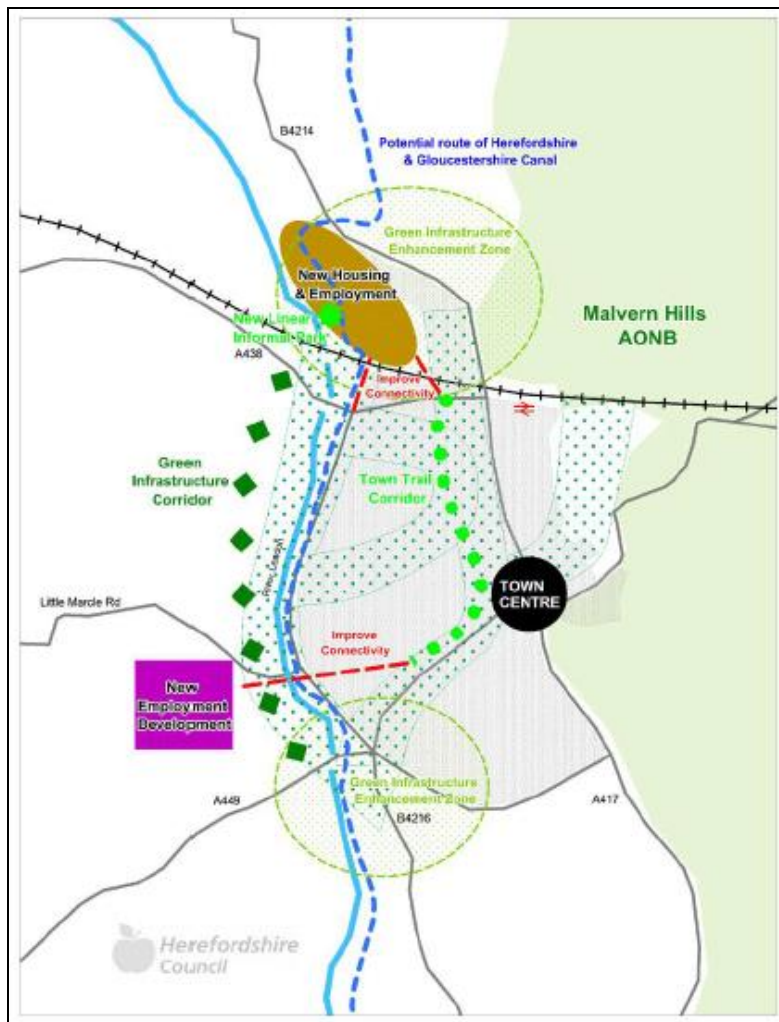
6.28 Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. It sets out that, for decision-taking, where the policies which are most important for determining the appeal are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is commonly referred to as *'tilted balance'* and will form the conclusion of this report

6.29 Paragraph 12 is also relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and 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 Ledbury Neighbourhood Development Plan

## **Assessment of Proposals**

### Principle of Development

6.30 The countywide spatial strategy contained within the Core Strategy proposes sustainable development for Ledbury (in terms of new homes and employment opportunities), is balanced against Ledbury's unique needs, opportunities and constraints. The approach to strategic expansion of the town, is for environmental and sustainability reasons, reflecting constraints and opportunities of the town, is to direct the majority of new housing to the North as shown below –



6.31 The site and proposal hereby assessed represents the planned strategic expansion of Ledbury during the Plan period, delivering a significant quantum of the towns' housing requirements, along with employment land. Policy LB2 sets out the specific criteria for the strategic expansion of Ledbury hereabouts, of which the headline objectives are to deliver 625 dwellings of which 40% will be affordable units, 3 hectares of employment land and reinstatement of a section of the Hereford Gloucester canal. This is reiterated within the Ledbury Neighbourhood Plan.

*Sustainable Development and Addressing Climate Change*

6.32 Within the overall vision for Herefordshire, Ledbury is supported in its role as a thriving service centre to its surrounding rural area in the east of the county. This vision is manifested in strategic objectives for Ledbury with the focus on meeting housing needs including affordable housing, reducing the need to travel by private car, facilitating the provision of new jobs to stem out-commuting, improving delivery of and access to services, and realising the value of the local environment as an economic asset through promoting sustainable tourism and high quality housing.

6.33 The Core Strategy does not allocate land directly, nor does it, or the Ledbury Neighbourhood Development Plan incorporate settlement boundaries. Instead, the CS proposed broad strategic directions for growth in sustainable locations. Policy LB1 states that Ledbury will accommodate a minimum of 800 houses during the plan period. The majority of new housing will be focussed to the north of the town on the site that is the subject of this application.

6.34 This urban extension of new homes and new employment land to the west is a considered approach to address the specific issues and opportunities identified in the town profile for Ledbury, namely: addressing high affordable housing need; high levels of commuting for jobs; and the significant environmental constraints affecting the setting of the town, which is enclosed on the east side by the Malvern Hills Area of Outstanding Natural Beauty and floodplains of the Leadon Valley and adjoining sensitive landscapes to the west.

6.35 In accordance with the NPPF and Policy SS1 a *positive approach* must be taken by Herefordshire Council to reflect the presumption in favour of sustainable development. Furthermore the LPA through policy SS1 will be proactive wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

6.36 The principle of development has been established by the site's alignment with the Core Strategy under policy LB2 as forming the planned strategic expansion of the town. In accordance with Local and National Planning policy approval should be given unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The site has come forward as a result of and in response to the preparation and adoption of the Core Strategy. During this process, environmental and other site constraints are considered. Therefore, as expected, and having regard to paragraph 11; footnote 6, there are no restrictive policies that are applicable in this instance. As such the acceptability of the proposals is based on the assessment of both material and technical considerations. These matters are considered in the Report below.

6.37 Policy SS7 is a strategic policy requiring focus on measures to address climate change. Reducing carbon footprint and CO2 emissions has been at the forefront of recent political and media discourse, receiving rightful prominent coverage. Herefordshire Council's Core Strategy has been 'ahead of the curve' in that regard with Policy SS7 in place and a requirement to be satisfied by development since October 2015. Policy SD1 also seeks to secure this.

6.38 The site is located, as set out above, to deliver sustainable development amongst which it includes reducing the need to travel by private car, on the edge of Ledbury. The location lends itself to the ability to walk or cycle to the town centre and other services and facilities nearby including railway station. Improved pedestrian and cycle linkages have been secured as part of these proposals and are explored in more detail below.

6.39 The development will also deliver substantial open and recreational space within it, secured through section 106 agreement with details delivered in matters reserved for future consideration. Accordingly, the proposal is located whereby many day to day functions and journeys by future occupiers can be undertaken without the need to use a private vehicle.

6.40 The development includes significant areas of formal and amenity open space along with opportunities for a substantial amount of new planting exceeding previous green coverage on the site with regards to trees, hedgerow and habitats. Precise details will be secured through a combination of the section 106 agreement and within subsequent Reserved Matters applications, however with regards to the requirements of CS policy LB2 and illustrative Masterplan, it is clear enhancements and gains will be achieved.

6.41 At officers request, the applicants have also recently provided an overview of the sustainability / green credential of the proposed development and these are reproduced in full below and provides a useful overview of how the matter of climate change is addressed and delivered through development of this site:

### ***The 'Fabric First' Approach***

*Bloor Homes is a Home Builders Federation 5-star builder for 2019 with customer satisfaction currently at 94%. Key to this rating is the quality and energy efficiency of their new homes as demanded by new homeowners.*

*Bloors' priority is always to use a 'fabric first' approach in order to reduce CO2 demand by being lean, clean and green. The fabric-first approach as controlled by Building Regulations reduces the call on energy demand in the first place; thereby helping to reduce overall energy generation requirements and reducing running costs and bills.*

*A 'fabric first' approach to building design involves maximising the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. This can help reduce capital and operational costs, improve energy efficiency and reduce carbon emissions and demand. A 'fabric first' method can also reduce the need for maintenance during the building's life.*

*With regard to specific 'fabric first' measures, as well as high efficiency wall, roof, floor insulation, Bloor also use thermal plasterboards, insulated doors, A-rated low carbon Boilers (which can include flue-gas heat recovery), 'shower save' waste water heat recovery systems, argon filled double glazing, and 100% low energy light bulbs.*

### **Sustainable Transport Measures**

*A wide range of sustainable transport measures are provided for by the application proposals including the following.*

#### *Pedestrian and Cycle Infrastructure Strategy*

- New pedestrian and cycle paths connecting the site to the wider services and facilities of Ledbury via Ballard Close and beneath the viaduct to the north of the Hereford Road roundabout;*
- A 3m shared footway / cycleway on Hereford Road;*
- Widening of Ledbury footpath ZB18 to provide a shared footway / cycleway connecting to the Town Trail;*
- Two toucan crossings on Hereford Road, connecting the Ballard Close access to the Town Trail and the viaduct access to New Mills Way and the Riverside Park;*
- Signalisation of the Bromyard Road / Hereford Road junction to provide a pedestrian crossing;*
- Widening of the footway outside Ledbury railway station;*
- A footway from the Bromyard Road emergency access to the northern part of the Bromyard Road Trading Estate;*
- Passive provision within the site of pedestrian connections to the boundary of the Trading Estate for a potential future connection.*

#### *Residential and Employment Travel Plans*

- Provision of a Welcome Pack to include information of local sustainable transport measures such as bus and train timetables, cycleways and any car share schemes;*
- A voucher for three months of free local bus travel to encourage the use of public transport;*
- A £100 voucher redeemable against purchase of an adult bicycle to encourage active transport;*

- *Provision of secure, covered cycle parking for the proposed employment units to encourage cycling to work;*
- *Improvements to both existing and proposed walkways and site access points to increase pedestrian and cyclist permeability and provide accessible walkways and cycle routes;*
- *Provision and funding of a Site Travel Plan Co-ordinator (STPC) to manage the implementation of Travel Plan measures for both the residential and employment uses for one year following full occupation of the residential element of the scheme; and*
- *Guidance to future employment site Travel Plan Co-ordinators to enable sustainable transport initiatives to be maintained following the removal of the STPC role.*

### Electric Vehicle Charging

- *Bloor will install electric vehicle charging points to all plots with dedicated parking spaces. This charging point will either be a socket within garages or within a weatherproof box on an external wall and will provide the opportunity for homeowners to install charging units. It is also proposed that the employment accommodation will provide EV charging points.*

## **Social and Economic Sustainability**

### The Economic Role

- *The development proposal provides for up to 7 acres (2.9hectares) of employment land suitable for new and / or expanding business within the B1 use class.*
- *The development will support a wide range of new employment opportunities as well as workforce skills and training across a range of trades and disciplines over the lifetime of the build programme. Bloor is committed to such training opportunities and around 15% of their workforce has 'Trainee' or 'Apprentice' in their job title.*
- *The scheme could potentially accommodate over 1,000 economically active residents who could provide a valuable pool of labour and skills to support local economic growth and the wider economic development objectives of Herefordshire.*
- *The gross annual income of new residents will generate disposal income which will benefit the local economy.*

### The Social Role

- *The proposal includes provision of 40% affordable dwellings (up to 250 affordable homes) for social rent and shared ownership to meet the needs of those on lower incomes.*
- *The overall provision of up to 625 dwellings will support and sustain the vitality of the local community through provision of choice across a range of 1, 2, 3 and 4-bed accommodation.*

## **Waste Minimisation Measures**

### Design and Planning Stage

- *Prior to commencement of the proposed development, a Construction and Environmental Management Plan will be prepared to inform and influence construction activity.*



- *The detailed design stage of the application will be designed to ensure where possible that any ground work undertaken will retain topsoil and waste on the site by recycling it elsewhere within the development.*
- *Modern methods of construction and material optimisation will be incorporated into the detailed design stage and implemented on-site to minimise waste arisings.*
- *The design stage of the development has accounted for the provision of recycling facilities, enabling sufficient space for such facilities. The dwellings will be assessed and the provision made to enable residents to store and manoeuvre wheelie bins and recycle boxes for storage and collection in a convenient manner.*
- *The development has been designed to allow sufficient space for waste collection vehicles to enter and manoeuvre throughout the site.*

Construction Phase

- *As part of the Site Waste Management Plan (SWMP), the sources of waste and volumes will be identified, along with a target for their re-use, recycle or disposal.*
- *As part of the process of responsible construction, waste materials will be sorted and recycled where practical and possible, keeping landfill waste to an absolute minimum. Recycling bins specifically for construction waste will be available on site during the construction process and it will be required that contractors sort waste materials accordingly.*
- *Prior to the commencement of development, the anticipated volume of waste (per material) will be calculated to ensure that storage and recycling facilities are commensurate to the level of construction waste to be produced, to ensure efficiency.*
- *Any organic material displaced will be re-used in the landscaping to be undertaken as part of the proposal*

Occupation Phase

- *The energy efficient design of the buildings will assist in minimising energy required to operate the buildings once occupied, minimising heat loss and the waste of energy.*
- *Provision will be made within the development for the inclusion of recycling and waste storage facilities; accessible for householders and for waste collection vehicles.*
- *Residents will be encouraged to recycle waste as described in a Welcome Pack from the developer as well as any literature and advice provided by Herefordshire Council.*
- *There will be the opportunity for residents to bring waste to Household Recycling Centres (HRC). The closest to the site is Ledbury Household Recycling Centre, which is located on Little Marcle Road.*

The note also clarifies how these measures will be delivered / secured.

MATTER	HOW TO BE ACHIEVED
Sustainable Dwelling Construction and Materials	
Fabric First Approach	Reserved Matters as part of Bloor Homes' own detailed design and build process.

Sustainable Transport Measure	
Pedestrian and Cycle Infrastructure Strategy	Reserved Matters details, S278 and S38 Agreements
Residential and Employment Travel Plans	Planning condition or S106 agreement
Electric Vehicle Charging Points	Planning condition
Waste Minimisation Measures	
Design and Planning Stage	Planning condition(s) inc Construction and Environmental Management Plan (CEMP)
Construction Phase	Planning Condition(s) inc. Site Waste Management Plan
Occupation Phase	Planning Condition

6.42 On the basis of the above and in principle the proposal represents sustainable development. Given the Governments requirement to deliver a significant number of new homes during the plan period, on the broad basis outlined above, the development will within that balance of meeting housing need and addressing climate change, in principle contribute to meeting both objectives. As such Core Strategy policies SS1 and SS7 and the associated aims and objectives of the NPPF are satisfied.

### Access and Highways

6.43 As detailed above, the matter of access is the only matter (other than principle) that is being considered as part of this outline proposal.

Acknowledging that the spatial strategies have identified this area for development, there are then two parts of policy LB2 that relates to this matter:

- 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;

6.44 The proposed access arrangements comprise a singular means of vehicular access to serve the site, accessed from Bromyard Road. This is supported by a signalised junction improvement scheme on the Hereford Road/ Bromyard Road/ Homend junction. In regard to pedestrian and cycle access, the proposed development includes for a shared pedestrian / cycleway under the viaduct connecting with Ballard Close towards the Hereford Road and the Ledbury Town Trail. An additional proposed footway/cycle way is also proposed to be provided under the viaduct to Hereford Road Roundabout which connects to the existing footway along Hereford Road; the existing footway will be widened to provide a pedestrian / cycleway along Hereford Road from the Hereford Roundabout to the

Bromyard Road/Hereford Road junction. An extract of the Access and Movement Strategy Plan (Design and Access Statement) is inserted below for ease of reference.



6.45 It is noted the most significant matter of public concern, as shown within representations received, relates to there being a single means of vehicle access and that being utilised on the Bromyard Road. A significant percentage of objectors reference preference for access to be served from the Hereford Road/ Ledbury Bypass roundabout and serving the site through passing under the viaduct.

6.46 Whilst the preferences of the local community are noted, as set out above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states *“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* The development plan is the Herefordshire Core Strategy and the most relevant policies on the matter are SS4, MT1 and LB2. As such, lawful assessment and acceptability of the proposed access arrangements must be made against these policies. Further to this, the NPPF is a material consideration and paragraphs 108 – 111 most relevant, with paragraph 109 stating *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

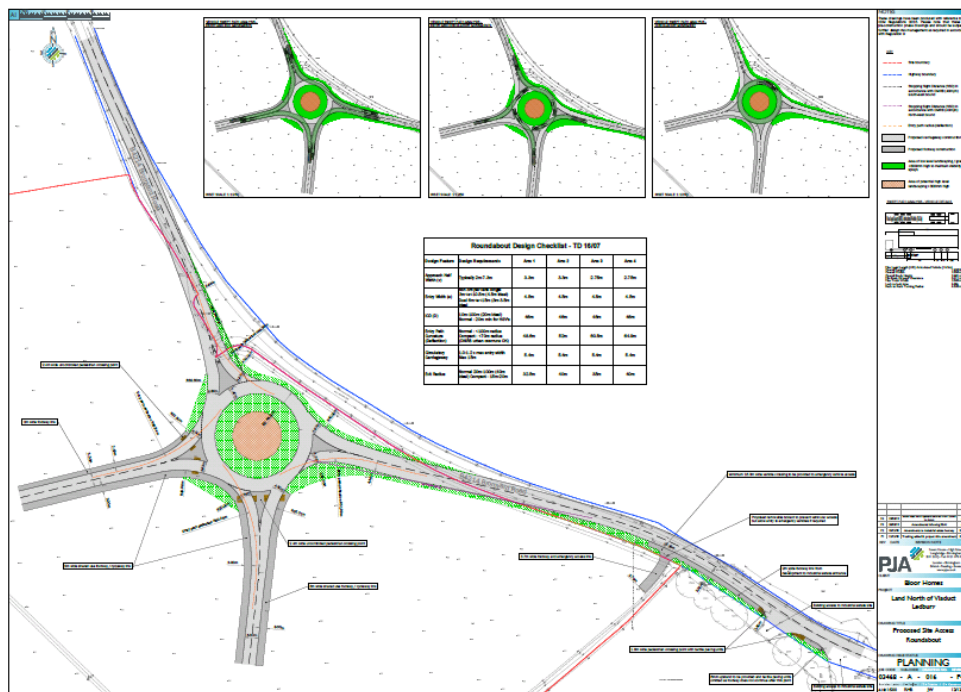
6.47 Further to the above and noting objections centred on the word *‘satisfactory’* as it relates to means of vehicular access with CS policy LB2 criterion 7 (*provision of satisfactory vehicular access arrangements*), the correct approach to interpreting policies is well-settled. Policies must be interpreted

objectively in accordance with the language used, read in their proper context as established in case law: *Tesco Stores Ltd v Dundee City Council [2012] UKSC 13*. But while the meaning of policies is a question of law, when the application of a policy requires matters of judgement, those judgments are exclusively for the decision-maker to resolve: *Suffolk Coastal District Council v Hopkins Homes Ltd [2017] 1 WLR 1865*.

6.48 If more than one vehicular access was required to be provided, or access should be from the Hereford Road roundabout, this could simply have been stated. Other requirements of the clauses in policy LB2 take the approach of simply stating if something is expected to be brought forward, e.g. the fifth clause or bullet is to “bring forward ... a new linear informal park ...”. There is then a simple and straightforward expectation to provide a park. The same approach could have been taken with the access if this was what was wanted. Similarly, bullet point eight explicitly references the viaduct, as such with regards to access, the Hereford Road roundabout could have been so referenced to be utilised if that was what was wanted.

6.49 On this basis Officers consider *satisfactory* relates to the proposed vehicular access meeting relevant technical specification requirements and satisfying the requirements of CS policies SS4 and MT1 and NPPF paragraphs 108 – 111 in that the test of *satisfactory*, is the provision of a safe functioning access and does not prescribe a number of such accesses or their location to meet the test of being *satisfactory*.

6.50 The proposed four arm roundabout junction serving the site, shown below, is considered to be a satisfactory arrangement in line with core strategy policy LB2. Furthermore the junction capacity analysis of this proposed junction supports this approach. An emergency access on Bromyard Road is also now provided to the south of the main access. The details of the control of the emergency access to avoid misuse on a daily basis is secured by a condition.



6.51 The highway authority considers that the applicant has provided satisfactory justification for this within the Transport Assessment and also within the Technical note – *Response to HC comments version 5 dated 16/16/2019*, within which it is confirmed that, and in the view of the highway authority, the proposals successfully demonstrated that:



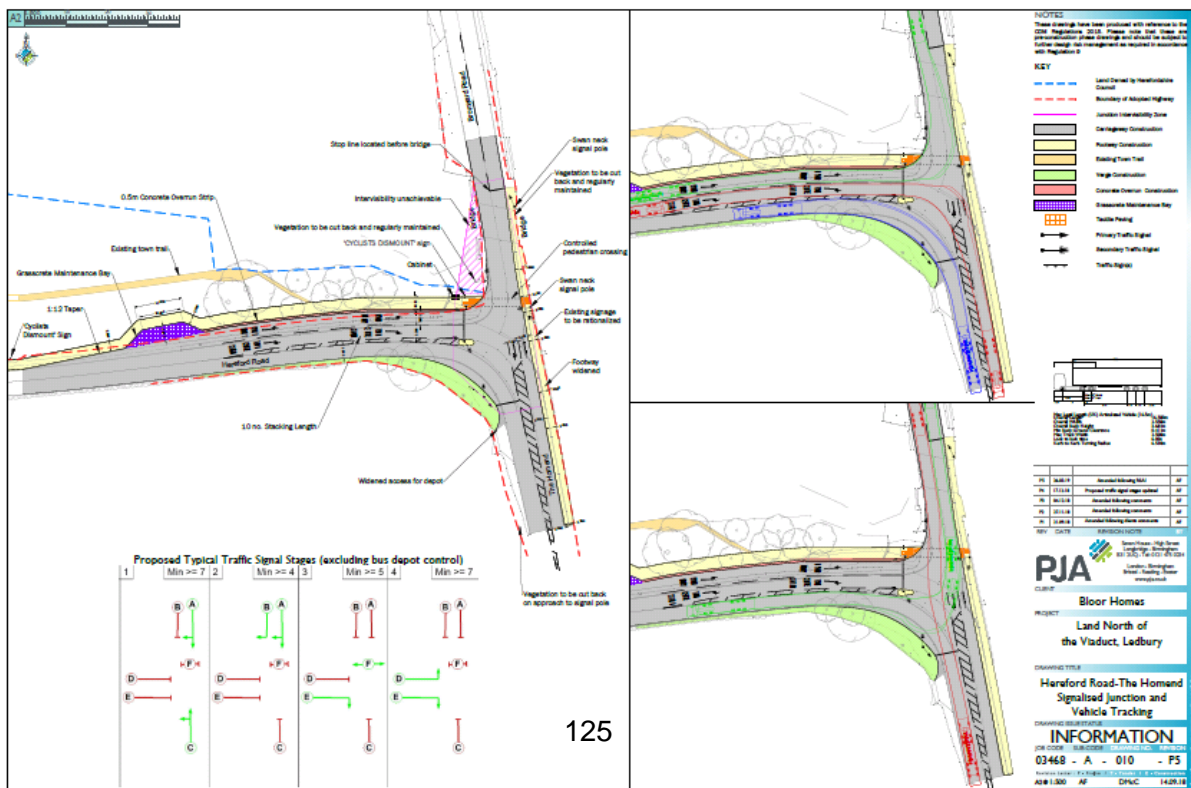
1. The provision of a single point of access complies with the relevant policy guidance;
2. The development could be accessed by emergency vehicles or other road users should an accident or other event block the site access; and
3. Providing a single point of access does not result in an unacceptable impact on the capacity of the highway network that could not be mitigated against.
4. In highway capacity terms the proposed access arrangements can accommodate the anticipated level of traffic associated with the proposed development.

6.52 With specific reference to point 1 above, and to address the community's preference for an alternative vehicular access point, 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."*

6.53 The trip rates and traffic distribution are now agreed for the proposed access strategy. Assessment years have been amended to reflect the date of the revised submission with traffic growth factors applied as requested.

6.54 The highways authority review of the junction analysis presented in the Transport Assessment concluded that the impact on junctions assessed would be acceptable with the exception of the Bromyard Road / Hereford Road / The Homend junction. The Bromyard Road / Hereford Road / The Homend junction would require mitigation measures.

6.55 During the determination period, the applicants transport consultants have prepared a roundabout design and a traffic signalised design for the Bromyard Road / Hereford Road / The Homend junction, the latter is shown below, and the designs have been discussed in detail with the highway authority. Ultimately a traffic signal scheme has been put forward as part of the submission and agreed in principle subject to detailed design. As well as the capacity improvements that the signalised junction provides over the existing arrangement, the proposed junction offers the opportunity for wider benefits for pedestrians and cyclists as part of the overall access strategy for the site for all modes which is considered below.



6.56 The junction capacity analysis that has been carried out of the proposed signalised scheme has been thoroughly reviewed and will provide capacity improvements over what would happen in the future without the development at the site. The capacity analysis has also been the subject of a sensitivity assessment which increases the number of times that the pedestrian phase is called in the signal arrangement.

6.57 The operation of the proposed traffic signal scheme is considered acceptable. The design of the traffic signal scheme has also been the subject of a Stage 1 Road Safety Audit. Whilst the audit raised some minor issues it is considered that these can be addressed as part of the s.278 detailed design, and a suitably worded condition will be applied as set out in the recommendation, below.

6.58 Mitigation measures associated with the proposed scheme include the following:

- Site access, emergency access and footway on Bromyard Road
- Pedestrian / cycle connection to Ballard Close and Hereford Road
- Pedestrian / cycle connection under viaduct connecting to The Town Trail
- Pedestrian / cycle connection on Hereford Road including a two new crossing points
- Hereford Road / Bromyard Road / The Homend, signalised junction improvement scheme including pedestrian control

6.59 Furthermore s106 contributions are also secured which can be used against some or all of the following transportation related schemes –

- Upgrading of the Town Trail to include bridge widening, street lighting, surfacing etc
- Contributions to Safe Routes to Schools including provision of safe crossing facilities
- Improvements to public transport provision including upgrading of infrastructure
- Contributions towards parking controls, loading, re-paving etc

6.60 It is noted that the majority of the traffic arriving / departing the site will pass along the Bromyard Road, and as such the operation of the wider highway network and specifically the Bromyard Road / Hereford Road / The Homend junction is critical to the successful delivery of the scheme. As set out above this has now been demonstrated as acceptable and as such CS policies SS4, MT1 and LB2 are satisfied, along with compliance with NPPF paragraphs 108 - 111.

6.61 Concerns have been expressed from the Wellington Heath and area community regarding increased traffic using rural roads and lanes as a 'rat run' and the associated concerns regarding safety and capacity of these roads.

6.62 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, below. 3.5% of residential Trips and 5.5% of employment trips generated from the site would route through Beggars Ash, which in turn leads to Wellington Heath, Cradley and Colwall using rural roads and country lanes. 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.

6.63 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, which are illustrated in the *Residential and Employment Trip Assignment Tables*, below. 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.

**Table 5-4: Residential Trip Assignment (with Adjustments)**

Route	Residential Trip Assignment	AM Peak Hour			PM Peak Hour		
		Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
Bromyard Road North	1.6%	1	4	5	4	2	6
Begg's Ash	3.5%	3	9	11	8	4	12
Knapp Lane	2.7%	2	7	9	6	3	10
Worcester Road	24.4%	18	59	78	57	30	87
The Southend	10.2%	8	25	32	24	13	36
New Street	0.0%	0	0	0	0	0	0
Leadon Way	38.5%	29	94	122	90	47	137
Hereford Road	17.2%	13	42	55	40	21	61
Rhea Lane	1.9%	1	5	6	4	2	7
<b>Totals</b>	<b>100.00%</b>	<b>75</b>	<b>243</b>	<b>318</b>	<b>234</b>	<b>123</b>	<b>357</b>

**Table 5-5: Employment Trip Assignment (with Adjustments)**

Route	Employment Trip Assignment	AM Peak Hour			PM Peak Hour		
		Arrivals	Departures	Two-Way	Arrivals	Departures	Two-Way
Bromyard Road North	3.6%	5	0	5	0	4	4
Begg's Ash	5.5%	7	1	8	0	6	7
Knapp Lane	2.3%	3	0	3	0	3	3
Worcester Road	20.6%	28	3	31	2	23	25
The Southend	10.2%	14	1	15	1	11	12
New Street	0.0%	0	0	0	0	0	0
Leadon Way	33.3%	45	4	50	3	37	40
Hereford Road	22.0%	30	3	33	2	24	26
Rhea Lane	2.4%	3	0	4	0	3	3
<b>Totals</b>	<b>100.0%</b>	<b>136</b>	<b>13</b>	<b>150</b>	<b>9</b>	<b>111</b>	<b>119</b>

6.64 Non-vehicular routes have been considered from a quality, distance and perception of safety perspective. The number of anticipated users on each of the routes have been estimated based on a number of reasonable assumptions. These have been discussed and agreed with the highway authority.

6.65 The applicant has demonstrated that the walking and cycling routes in particular are appropriate for the development proposals and support the overall access strategy for the site. As a result of the analysis and the proposed mitigation measures, the highway authority is content that there are appropriate routes available for all modes of travel to the local facilities and amenities. The proposed Improvements will help meet the NDP objectives to encourage cycling and walking connectivity through the provision and upgrade of crossings, footways and cycleways which help offset road congestion, limit and reduce air pollution, and provide a healthier option for short essential and recreational trips around the town. The routes above will create links between new and existing residential areas and local facilities and services; predominantly schools and community facilities: and the railway station. The proposals also demonstrates how account has been taken to improve the pedestrian and cycle network.

6.66 On this basis the proposal more than demonstrates it complies with Core Strategy policies MT1 and NDP policy TR1.1 and furthermore helps contribute to delivering 'sustainable development', reducing car dependency and reducing carbon emissions in line with Government aims and objectives.

6.67 With regards to the two relevant criteria of policy LB2, namely, *provision of satisfactory vehicular access arrangements, the details of which will be determined at planning application stage, and 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, It is considered, as demonstrated above, these criteria are complied with and satisfied with the development delivering on these requirements.

### **Highway Summary**

6.68 It has been demonstrated that a satisfactory access strategy for all modes can be provided. The proposals therefore meet the objectives of Policy SS4, MT1 and LB2 to a sufficient or appropriate level. Furthermore the requirements of NPPF paragraphs 108 – 111 are also satisfied as assessed above. The highways network can accommodate the development without an unacceptable impact on highway safety and the impact on the road network is not severe.

6.69 With the proposed appropriate mitigation measures, it has been demonstrated that the local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network and that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impact from the development.

6.70 The submission demonstrates that the proposed development can be made sustainable through the provision of improved public transport or walking and cycling infrastructure of a level commensurate with the level of development proposed. It therefore satisfies Policy SS4 of the core strategy and helps deliver on the aims of policy SS7 and wider climate change objectives.

6.71 Given the substantial additional information that has been provided by the applicant and their transport consultant, the access and movement arrangements for all modes within the submitted application are considered to be acceptable. The highway authority therefore has no objections to the application. There are, as explicitly directed by NPPF paragraph 109. no technical or policy reasons to refuse the application on highway grounds.

6.72 The proposals from a highways perspective are assessed principally against Core Strategy policies SS1, SS4, SS7, LB1, LB2 and MT1, Ledbury Neighbourhood Plan policies TR1.1 and NPPF paragraphs 108 – 111 and officers can find no conflict with these matters in respect of the matter of access.

### **Environmental Objectives**

#### **Landscape**

6.73 Whilst Landscape is a Reserved Matter, it is important, in the context of policies LB1, LB2 and LD1 of the Core Strategy, Ledbury Neighbourhood Development Plan, and NPPF to assess the proposals environmental impacts.

6.74 The referenced *Environmental Statement* assesses the likely significant effects of the proposed development on the site and surrounding context in terms of landscape and visual amenity. This chapter outlines the assessment methodology, baseline conditions for the site and immediate surrounding context, mitigation measures and the likely residual significant landscape and visual effects. Further to the ES, a Landscape and Visual Impact Assessment has also been carried out and submitted.

#### **Site context**

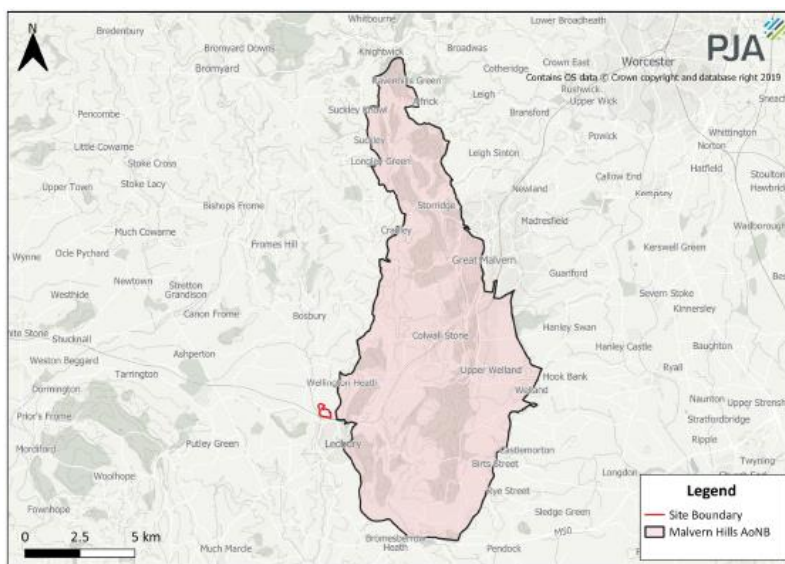


6.75 The site, due to its size has a number of distinct identifiable landscape character types. The *Herefordshire Landscape Character Assessment* (updated 2009) identifies the site in landscape character type terms as follows –

- In the Western part of the proposed site as Riverside meadows with the following key features: Pastoral land use with well-defined linear patterns of willow and alder and a wetland habitat character.
- In the North Eastern part of the site as Principal Settled Farmlands with the following key features: Hedgerows used as field boundaries.
- In the Southern part of the site as Urban.

6.76 The landscape features of the site are characterised by fields in arable land use with native hedgerows and native trees on the boundary of the site and some hedgerows and native trees within the site.

6.77 The topography of the site is elevated at approx. 55m and is gently sloping towards the South West. There are long distance rural views to the North and West. The proposed site on its Eastern boundary lies near to the Malvern Hills AONB as shown on the plan below –



6.78 There are existing buildings to East (Bromyard Road Trading Estate) and housing beyond the Viaduct to the South of the site. The Bromyard Road which runs on the Eastern boundary acts as a Gate Way into Ledbury. This route corridor has a strong sense of place due to the railway viaduct giving orientation value to the approach to Ledbury and historical character to the sites setting.

6.79 Land within the setting of an Area of Outstanding Natural Beauty often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account.

6.80 The strategic expansion of Ledbury as set out under Core Strategy policies LB1 and LB2 and proposed to be delivered through the application, reflects the constraints of Ledbury, with much of the

town itself and adjoining land being within the Malvern Hills AONB, and the site being outside this protected landscape area. The criteria of Policies LB1 and LB2 reflect this situation and require future development to respect and enhance the AONB and also require a high quality bespoke built response on the site.

6.81 The proposed treatment of the northern boundary was discussed and evolved after detailed discussions with the previous Case Officer. The proposed buffer includes on average a 10 m buffer which is shown to vary in width so as to provide variation in the level of screening offered (10m being widely regarded as sufficient to screen, and 5m to soften development) and provide character when stood next to its edge. With this in mind the northern boundary is to provide a landscape buffer which will suitably 'softened' the impact of the development from views beyond the site, including along the Bromyard Road. On the basis that the site will provide the new urban edge to Ledbury. This approach is considered to be an entirely appropriate response on the basis that the development will be partly visible (more so in winter months) such that one is aware of the new settlement edge when approaching the settlement rather than it being almost entirely screened. If this were the case one would only be aware of the settlement edge as one gets close to the industrial units further east (i.e. as exists currently). The extract from the 'Green Infrastructure Plan' is inserted below for reference.



6.81 Having regard to medium and longer distance views the proposed response is still considered to be an appropriate one. Irrespective of the width of any buffer one will still see the majority of the urban extension beyond so to soften views of the development whether in short or long distance views is considered to be the most appropriate design solution to Ledbury's new urban edge.

6.82 In summary on this matter, the masterplan and buffers shown on the site's northern boundary are considered to be a positive response to the new settlement edge and one which will soften views of the urban extension and indeed provide, through details which will form part of a Reserved Matters application, an improved entrance to Ledbury along the Bromyard Road mindful of the current edge being the industrial buildings further to the east.

6.83 It is assessed that the landscape character and visual amenity of the site has the ability in which to absorb change through the introduction of a high quality development. The proposed development with residential properties, employment units and associated Green Infrastructure would be appropriate within this landscape context on the edge of the existing settlement. It is judged that the effects, as a

result of the proposed development, would not give rise to any unacceptable long term landscape and visual harm.

6.84 Officers have identified with the applicants a number of matters that will be required to be addressed within any Reserved Matters, these are –

- Further information on the Ballard Close pedestrian/cycle link to the town via the Southern boundary. Cross section drawings, showing enhancement proposals, lighting proposals etc. The present Illustrative Masterplan Drg No 9701, Revision G would benefit from less housing in this South Eastern corner of the proposal site and to be opened up as public open space, visually enhancing this important pedestrian/cycle entrance to the site. Landscape enhancement proposals should also relate to the existing biodiversity in this SE part of the site. Any off site planting proposals along existing/proposed footpaths should also be indicated.
- Cross section drawings and proposed landscape images should be forwarded showing how the South Western proposed pedestrian/cycle canal link to the town is to be achieved. Choice of materials, colours etc.
- Cross section drawings and proposed landscape images showing how the proposed canal will link to the surrounding countryside (to the West) and to the proposed housing adjacent to the canal (to the East). Choice of materials, colours, spatial arrangements.
- Cross section drawings of the proposed attenuation ponds showing how the proposed pond embankment slopes fit/blend into the surrounding contours. Biodiversity proposals for these attenuation ponds with public amenity proposals such as seating etc. should also be forward.
- Proposed fill areas (relating to cut material from the proposed canal proposals) should be identified on both soft and hard landscape plans.
- The transition between countryside and town is critical to the development proposals. Proposed housing in the Northern part of the proposed site adjacent to the rural edge should be visually porous (lower in density) with rural views. There should be views from the Bromyard road of the upper level of the Railway Viaduct. The Railway Viaduct a listed structure, provides local character, historical context and visual orientation when seen from the Bromyard Road and from public view points to the North NW and NE.
- The proposed green infrastructure plan should show appropriate visual mitigation measures associated with long distance views from the Malvern Hills AONB. These mitigation proposals should also provide resilience to climate change while providing appropriate biodiversity and visual amenity value relating to the landscape character types within the site.

6.85 On the basis of the site's location as being where the strategic expansion is planned and directed and nature of the application as being an outline application with all matters reserved except access, specific applicable Core Strategy policies LB1 and LB2 and wider guidance from the NPPF, NPPG and Neighbourhood Plan, Officers are satisfied landscape policy requirements will be satisfied. The proposed access arrangements satisfy, in landscape terms, Core Strategy policies LB1, LB2, LD1 and SD1, the landscape policies of the NDP, and aims and objectives of the NPPF.

### Biodiversity

6.86 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. Policy LB2. This is also supplemented and underpinned by Core Strategy policies LD2 – *Biodiversity and geodiversity* and LD3 – *Green infrastructure*.

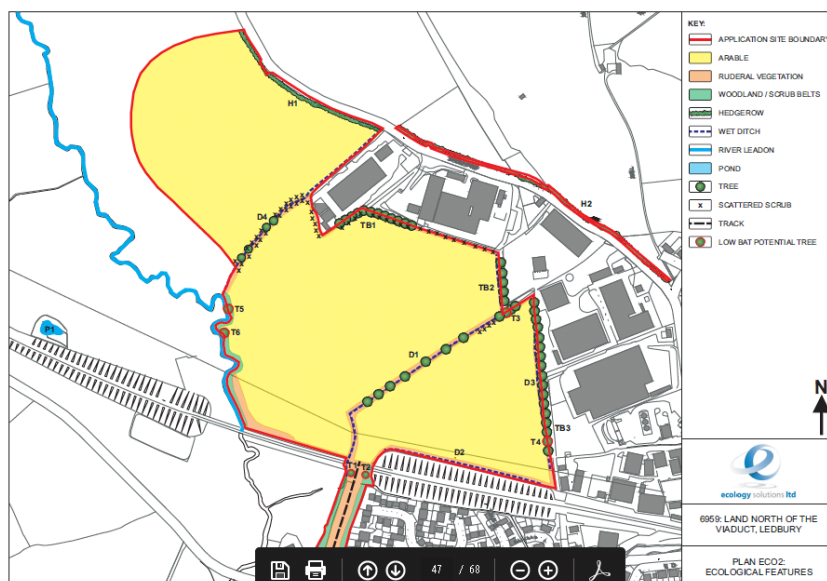
6.87 Policy LD2 states *Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:*

1. retention and protection of nature conservation sites and habitats, and important species in accordance with their status
2. restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
3. creation of new biodiversity features and wildlife habitats.

6.88 The advice in Chapter 15 of the NPPF, *Conserving and enhancing the natural environment*, reinforces this, stating *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

6.89 The application submission has been supported by an Ecological Assessment in which extensive surveying and assessment has been undertaken. An Arboricultural Assessment was also submitted. This has been supplemented by updates as required and requested following amendments to the application and comments from the Council's Ecologist.

6.90 With regards to ecological features, the Application Site was surveyed on numerous occasions and vegetation present enabled the habitat types to be satisfactorily identified and an accurate assessment of the ecological interest of the habitats to be undertaken. The following main habitat / vegetation types were identified and are shown on the Plan, below:



- Arable;
  - The site comprises three arable fields
- Ruderal Vegetation
  - The arable fields have ruderal vegetation margins which are subject to occasional cutting as part of the field management. Species present include Cocks Foot *Dactylis glomerata*, Perennial Rye-grass *Lolium perenne*, Fescue *Festuca* sp., False Oat-grass *Arrhenatherum elatius* and Yorkshire Fog *Holcus lanatus*. Herbaceous species present include Creeping Buttercup *Ranunculus repens*, Common Ragwort *Senecio jacobaea*, Common Nettle *Urtica dioica*, Cleavers *Galium aparine*, Greater Plantain *Plantago major*, Hogweed *Heracleum sphondylium*, Spear Thistle *Cirsium vulgare*, Dandelion *Taraxacum officinale*,

Ribwort Plantain *Plantago lanceolata*, Broad-leaved Dock *Rumex obtusifolius*, Redshank *Persicaria maculosa*, Scentless Mayweed *Tripleurospermum inodorum*, Soft Rush *Juncus effuses*, Coltsfoot *Tussilago farfara* and Broad-leaved Willowherb *Epilobium montanum*.

- Woodland / Scrub Belts
  - Areas of woodland / scrub belt are located along the River Leadon and along the edges of the track in the south of the Application Site (south of the viaduct). Species present include Willow *Salix* sp., Elder *Sambucus nigra*, Sycamore *Acer pseudoplatanus*, Ash *Fraxinus excelsior*, Hazel *Corylus avellana*, Hawthorn *Crataegus monogyna*, Alder *Alnus glutinosa*, Oak *Quercus robur*, Silver Birch *Betula pendula* and Horse Chestnut *Aesculus hippocastanum*. Species present within the ground flora include Ground Ivy *Glechoma hederacea*, Common Nettle, Lords and Ladies *Arum maculatum*, Cow Parsley *Anthriscus sylvestris*, Cock's Foot, Common Couch *Elytrigia repens*, Lesser Burdock *Arctium minus*, Hogweed, Creeping Buttercup, Wood Avens *Geum urbanum*, Daffodil *Narcissus* sp., Cleavers, Common Field-speedwell *Veronica persica*, Herb Robert *Geranium robertianum*, Garlic Mustard *Alliaria petiolata*, Red Champion *Silene dioica*, White Dead Nettle *Lamium album*, Spear Thistle and Common Figwort *Scrophularia nodosa*.
- Tree Belts
  - Three tree belts are located along the boundary of the Application Site. Tree Belt TB1 comprises immature to semi-mature trees including Oak, Elder, Hazel, Alder, Field Maple *Acer campestre*, Silver Birch and Ash. Tree Belt TB2 comprises immature to mature trees including Oak, Alder, Field Maple and Ash, and Tree Belt TB3 comprises immature to mature trees including Oak, Elder, Hazel, Alder, Hawthorn and Ash.
- Hedgerows
  - There are two hedgerows within the Application Site. Hedgerow H1 is managed and situated along the northern boundary of the Application Site. The hedgerow is 1-1.5m in height and is box cut through regular management. Species present include Elm, Blackthorn *Prunus spinosa*, Beech *Fagus sylvatica*, Hazel, Field Maple and Wild Privet, with Coltsfoot and Dogs Mercury *Mercurialis perennis* in the ground flora. Hedgerow H2 is managed and situated along the northern edge of Bromyard Road. This hedgerow is 3m in height and subject to management along the face of the hedgerow. Species present include Elm, Blackthorn, Hazel, Ash, Field Maple and Hawthorn.
- Ditches
  - Four ditches are located throughout the Application Site. Ditch D1 runs across the centre of the Application Site and is over grown with ruderal vegetation, largely dominated by Broadleaved Willowherb. The ditch was not seen to hold water and also supports a number of immature trees including Hawthorn, Willow and Oak. Ditch D2 is located along the southern boundary and is over shaded by the adjacent woodland bank which is part of the Viaduct. The surrounding vegetation to the ditch is again largely ruderal vegetation and the ditch was not seen to hold water. Ditch D3 is located along the eastern boundary and comprises Blackthorn, Bramble and Hawthorn. This ditch held some limited standing water along part of the ditch. Ditch D4 runs across the centre of the Application Site and was not seen to hold water during the surveys. Species present within the ditch were mainly scrub and included Blackthorn, Bramble and Hawthorn.
- Scrub
  - Areas of scattered scrub are located throughout the Application Site and are dominated by Bramble with Common Nettle.



6.91 During the survey of habitats and species, general observations were made of any faunal use of the Application Site, with specific attention paid to the potential presence of protected or notable species. In addition, specific surveys were undertaken with regard to bats, Badgers, birds, reptiles, Dormice, Otters, Water Vole and Great Crested Newts. In addition, a number of faunal surveys were carried out and covered Badgers, Bats, Dormice, Otters and Water Vole, Breeding Birds and Reptiles.

6.92 The habitats within the Application Site are generally not considered to be of any particular ecological importance being dominated by arable fields. Although, the hedgerows, tree belt and woodland / scrub belts are of some greater ecological value in the context of the Application Site.

6.93 The arable fields within the Application Site are of negligible ecological value. These fields are to be lost as part of the development proposals or modified to create areas of public open space, landscape buffers and attenuation basins. No specific mitigation measures would be required for loss/modification of these habitats. However, it is recommended that where possible new areas of public open space are sown with a species-rich seed mixture and subject to a suitable management regime to enhance the floristic diversity of the Application Site accordingly. This would mitigate for the loss of the grassland and would provide habitats of greater ecological value than the current habitats.

6.94 Areas of public open space and landscape buffers can provide wildlife corridors throughout the Application Site, in particular along the River Leadon, which provide suitable dispersal habitats for wildlife between onsite and off-site habitats for a range of species. The attenuation basins would also further diversify the habitats present within the Application Site and can be designed to maximise ecological benefits (see below).

6.95 The hedgerows within the Application Site do not support a highly diverse species complement. Nonetheless, they provide cover and dispersal habitats for mammals (including Dormice), amphibians, reptiles and nesting habitat for birds. The majority of the hedgerows are to be lost to facilitate access and other infrastructure.

6.96 Any retained sections of hedgerows within the Application Site will be fenced at canopy width (as required) according to the current British Standards before construction work commences, to protect roots from compaction. Fences will remain in place until construction work is complete within the vicinity of these habitats. In order to offset to the loss of hedgerows within the Application Site the proposed development includes large areas of landscape buffer planting which will bolster any retained sections and maintain foraging areas, nesting habitat and commuting routes for Badgers, birds, Dormice and bats. It is recommended that native species or those known to benefit wildlife are utilised within the landscape buffer planting.

6.97 Small areas of ruderal vegetation will be lost or modified as part of the proposed development. New tree / hedgerow (including landscape buffers) planting as part of the landscape proposals will more than offset losses to these habitats. It is recommended that the proposals utilise native trees / shrubs of local provenance, or those of benefit to wildlife, wherever possible.

6.98 The small areas of scattered scrub within the Application Site are considered to be of limited ecological value in terms of its species content, comprising only common and widespread species. However, these areas do offer some limited foraging opportunities for birds and foraging opportunities for Badgers and Dormice. Small areas of scrub within the Application Site are to be lost to the development proposals for the purpose of access.

6.99 As already stated above with regards to hedgerows. New planting as part of the landscape proposals and the recommended areas of species-rich grassland will more than offset losses to this habitat.

6.100 The woodland / scrub belts and trees within the Application Site are of greater ecological value. These habitats also offer suitable nesting and foraging opportunities for birds, foraging and navigational opportunities for bats and Dormice, foraging opportunities for Badgers, and shelter opportunities for reptiles. The woodland / scrub belts within the Application Site are to be retained, although minor losses may be required to facilitate construction of the canal. Minor losses of immature and semi-mature trees may occur due to roads being constructed over the existing ditches. The tree belts are to be retained and will be buffered from the proposed development by the landscape buffer. If required, any minor loss of this habitat could be offset by implementing a sensitive management regime to enhance the habitat for the benefit of a range of species.

6.101 These features within the Application Site are to be buffered from the proposed development by the landscape buffer. This landscape buffer will enhance this retained habitat and the recommended native planting will further increase biodiversity post development. In addition, appropriate management of the retained and new planting would enhance this habitat for a range of fauna known to utilise the Application Site.

6.102 The ground flora of the woodland / scrub belts could also be enhanced through the sowing of a native woodland flora seed mixture that would increase the floristic diversity of the woodland, particularly in areas of low ground flora diversity. It is recommended that standing and fallen dead wood be retained / created, from any trees felled as part of the proposals, which will provide suitable opportunities for a range of saproxylic species.

6.103 The ditches and their surrounding habitat within the Application Site are of greater ecological value. These habitats offer suitable nesting and foraging opportunities for birds, foraging and navigational opportunities for bats and Dormice, foraging opportunities for Badgers, and shelter opportunities for reptiles. The ditches and surrounding habitat within the Application Site are to be retained, although minor losses are required to facilitate access.

6.104 Construction safeguards are recommended to ensure that the ditches and surrounding habitat are not impacted during construction. Such safeguards as interceptor fencing to reduce runoff entering the ditches and fencing to protect the ditches from construction vehicles.

6.105 The existing ditches are to be buffered from the proposed development by a landscape buffer planting. This will enhance the ditches and ensure the dispersal route is retained. Minor loss of this habitat will be offset by the creation of landscape buffers and recommendation previously mentioned will further offset the loss of this habitat.

6.106 It is noted the Council's Ecologist has no objection subject to recommended conditions being attached as listed in the recommendation, below. There are not considered to be any significant adverse effects on any statutory and non-statutory sites of nature conservation interest from the development proposals. Standard engineering practice in respect of pollution control, as part of the development proposals will negate any potential effect to nearby designated sites, and any potentially detrimental effects through dust contamination will be mitigated through standard industry best practice measures.

6.107 The ditches, tree belts and woodland / scrub belts within the Application Site offer suitable foraging and navigational opportunities for bats and will generally be retained (with only minor losses to facilitate access) in any event. In general, surveys have shown low levels of activity, with the majority of activity recorded associated with the ditches, tree belts and woodland / scrub belts. The registrations



recorded were mainly from Common Pipistrelle and Soprano Pipistrelle bats, two of the most common UK species.

6.108 A sensitive lighting strategy can ensure dark corridors are retained for bats, particularly along retained ditches and tree belts and around the proposed balancing pond. Retention of the ditches, tree belts and woodland / scrub belts, together with new tree planting, balancing ponds and creation of open space within the development proposals will provide continued and enhanced foraging and navigational opportunities for bats. New planting will be required to consist of species of known value to wildlife. The inclusion of bat boxes within the site will provide new roosting opportunities for bats.

6.109 Given the dynamic nature of Badgers it is recommended that all contractors working in the vicinity of the Badger sett should be briefed regarding the presence of Badgers and of the types of activities that would not be permissible on site and again relevant conditions can ensure such an approach is implemented.

6.110 Although this habitat is to be retained, if any removal of suitable reptile habitat is required through modification then reptiles would need to be relocated or persuaded (e.g. through habitat manipulation) to suitable retained / new onsite habitat (e.g. most likely within the open space proposed as part of the development).

6.111 Given the presence of Dormice within the Application Site, a European Protected Species licence application will be submitted to Natural England. This will detail appropriate mitigation and compensatory planting to maintain and enhance habitat within the site for Dormice. It is considered that a persuasion technique, along with new landscape buffer planting, should be more than adequate mitigation.

6.112 During the construction phase additional measures will be required to safeguard any Otters present within the Application Site, particularly in regard to disturbance, loss of foraging and other related issues. This is secured by conditions. In addition, it is recommended that at the detailing design stage, consideration to inclusion of measures to facilitate crossing by Otters along the ditches should be undertaken.

6.113 The retention of the existing habitat throughout the landscape proposals will provide enhanced opportunities for birds, while the erection of bird boxes within the site will also provide new nesting opportunities for birds.

6.114 In conclusion, through the implementation of the safeguards and other requirements of ecological conditions, it is considered that the proposals accord with planning policy with regard to nature conservation at all administrative levels. In addition, it is considered that the proposal would create a net enhancement to biodiversity post development. As such the proposal complies with Herefordshire Core Strategy policies LB2, LD2 and LD3 and the relevant aims and objectives Chapter 15 of the NPPF.

### Heritage

6.115 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

*“to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

6.116 It follows that the duties in section 66 do not allow a local planning authority to treat the desirability of preserving the setting of listed buildings merely as material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

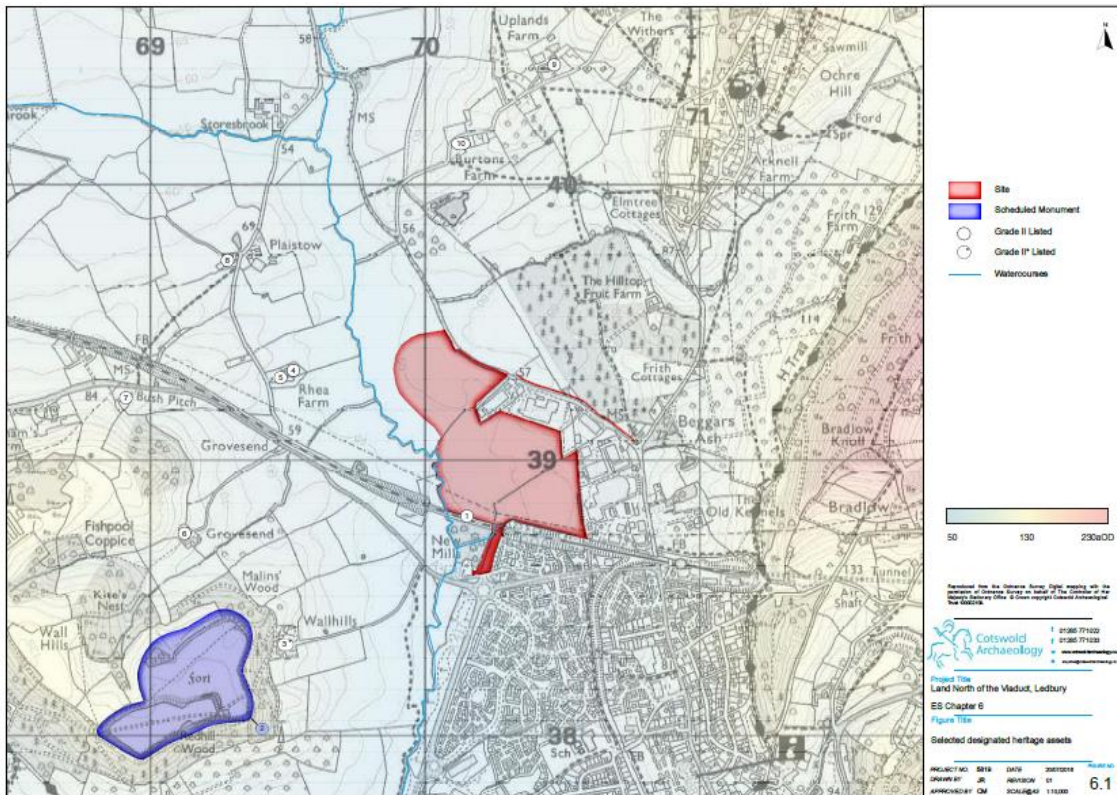
6.117 The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; ‘...in a manner appropriate to their significance.’ Paragraphs 189 to 196 offer particular clarity about the assessment to be made of the significance of heritage assets.

6.118 Paragraph 192 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

6.119 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

6.120 The site is to the north west of Ledbury, within the setting of Wall Hills hillfort, a scheduled ancient monument (National Heritage List for England UID: 1001760), as well as a number of listed buildings, most notably the Viaduct, a Grade II listed building, and potentially undesignated archaeological sites. The Plan below from the Environmental Statement shows designated heritage assets and their relationship with the application site –



6.121 The setting of Ledbury Viaduct (1), Walls Hill Camp (blue wash), Rhea Farmhouse and Attached Oast House at Rear and the associated Former Cider House to South West of Rhea Farmhouse (4 and 5), Old Plaistow and Attached Cider Mill (8) and Groves End Farmhouse (6) and the associated Barn to South East of Groves End Farmhouse have been especially considered. These are annotated on the above plan.

6.122 In terms of the historic environment, the impact of the proposal upon the significance of Wall Hills hillfort, an Iron Age hillfort dating to the first millennium BC has been assessed by Historic England and the Council's archaeological advisor.

6.123 The hillfort is defined by large earthen banks enclosing a total area of about 30 acres. The site represents a major achievement of a sophisticated society living in the area at that time. Considerable organisational ability, division of labour and agricultural surplus would have been required to complete this engineering exercise. The site probably acted as a tribal centre, for trading, religious and other gatherings, and also for defence. It is known from archaeological findings that the Iron Age peoples of the Welsh borders traded a variety of goods, both utilitarian and luxury, within Britain and abroad. The communities who lived in the area were, however, primarily farmers, and the landscape around the hillfort would almost certainly have been intensively occupied with farmsteads. The Leaden Valley immediately to the east of the hillfort was certainly part of this landscape, and as such contributes strongly to the significance and understanding of the hillfort. The fertile valley with its secure water supply helps explain why the Iron Age peoples chose this location to build their hillfort. Whilst the exact nature of the relationships between Iron Age hillforts remains unclear, the group value of these assets makes a positive contribution towards their significance, enhancing our wider understanding of Iron Age activity within the Leaden Valley. There are two other scheduled Iron Age hillforts located in the Malvern Hills c.6.6km east and c.6.7km east-north-east of the development site, and there is the potential for there to have been inter-visibility between these sites.

6.124 The proposed development is within this landscape and as such is within the setting of the hillfort, which is defined by the NPPF as the environment in which the hillfort is experienced. Due to the low lying position of the development site and the distance of c.750m between the development site and the Scheduled Monument, the immediate setting of the hillfort will be preserved, the development is unlikely to challenge the prominence of the hillfort, and nor would it interrupt potential views to the other Iron Age hillforts. As such, it is considered by Historic England that the proposed development would have a limited impact on the significance of Wall Hills hillfort through development within its setting. The Council's archaeological advisor agrees with these views.

6.125 The proposed development would not be visible from the Scheduled Monument due to the screening effect of the trees which surround the hillfort. Due to the low lying position of the Site and the intervening distance of c.750m between the Site and the Scheduled Monument, however, the insertion of built form within the Site would not restrict views from Wall Hills Camp (were any possible through the present tree cover), nor would it challenge the prominence of the hillfort, which would remain to be a conspicuous landform and dominant visible feature within the surrounding landscape. Furthermore, the proposed development would not interrupt potential views to more distant Iron Age hillforts situated on the Malvern Hills, preserving any group value. As such, the proposed development would not harm the significance of Wall Hills Camp through alteration of its setting.

6.126 The detailed layout, design, massing and landscape of the proposed development will determine the exact level of impact and potential harm to the setting and thus, will be assessed at Reserved Matters stage, with full consultation with Historic England. Nevertheless, recommended conditions from the Council's archaeological advisor are proposed as set out on the recommendation, below requiring ongoing archaeological monitoring and assessment during the development phase.

6.127 In regards to listed buildings, Historic England and the Council's Conservation Manager have reviewed the proposals.

6.128 A landmark feature of Ledbury is its railway viaduct which is Grade II listed. Any development of the viaduct site will need to respect the setting and significance of the viaduct, yet regard it as a positive feature to be integrated within, and inform the detailed master planning and design of, any scheme. The photograph below shows the viaduct as viewed towards the application site from Bromyard Road.



6.129 The viaduct was built in 1859-60 and design by Stephen Ballard for the Worcester and Hereford Railway. Stephen Ballard was a local engineer of note, being involved with several national and international railway projects, being progressive and philanthropic. The viaduct is a landmark feature on the approach into Ledbury. It should be noted that not only would views to the viaduct from the North potentially be affected, but also the view from trains upon the viaduct.

6.130 The Council's Conservation Officer has reviewed the submitted heritage statement and considers it is acceptable, noting the application is outline, with all matters reserved apart from access. The intention to maintain a view from the North West is fully supported, and the only heritage concern of the impact of the proposals is upon the appreciation of the fortuitous aesthetic significance of the viaduct if this view was not maintained. This, however can be assessed and secured within any reserved matters application.

6.131 The immediate setting of the viaduct, as shown on the illustrative masterplan comprises recreation and green space, landscaping and canal and pedestrian routes. The latter two components will allow and enable more interaction with and appreciation of the viaduct as a structure.

6.132 Design measures can be incorporated into the proposed development in order to preserve the contribution of the viaduct within the wider setting, including view corridors, and a green buffer, ensuring that the viaduct remains a key and conspicuous feature within the landscape. The proposed development would not harm the significance of the viaduct either physically or as a result of alteration to its setting. Increased access to the asset, and promotion of views towards it, may be considered a heritage benefit. This would be in accordance with Core Strategy Policy LD4, which states that development proposals affecting heritage assets should *'Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design...'* and, *'where appropriate, improve the understanding of and public access to the heritage asset'*.



6.133 No non-physical harm has been identified to the significance of any other heritage assets within the wider site environs, as a result of changes to setting.

6.134 With regards to Rhea Farmhouse and attached Oast House and the associated Former Cider House to South West of Rhea Farmhouse, Whilst the Site lies in relative proximity (c.370m) to Rhea Farmhouse and the Former Cider House, and would be visible in the distance in views from these assets, the site does not feature in the key views of the house from the road to the west. As such, this view, which makes a positive contribution to the significance of Rhea Farmhouse (the Former Cider House is not visible in the view), will be preserved. Wider views of Rhea Farmhouse and the former Cider House from the surrounding roads and footpaths are generally screened by the topography and intervening vegetation. Views of the assets from the B4214 across the site are restricted by intervening vegetation and, as such, do not contribute towards the significance of either asset.

6.135 Assessment of Old Plaistow and Attached Cider Mill shows the principal aspect of Old Plaistow faces north-east, away from the site, but a small number of windows in the south of the property do face south-east towards the site. However, the proposed development would comprise a negligible change in the distant wider surroundings as viewed from Old Plaistow. Due to the distance between the site and Old Plaistow, this change would be largely imperceptible, appearing as a small extension to the major settlement of Ledbury. The proposed development would not alter views of Old Plaistow from the key approaches from the road to the east, and the footpath to the south-west. On this basis, the proposed development would not harm the significance of Old Plaistow and Attached Cider House through alteration of its setting.

6.136 Finally, Groves End Farmhouse (6) and the associated Barn to South East of Groves End Farmhouse. The application Site lies to the rear of these Listed Buildings, beyond the best views which are gained from the A438 to the east. While there are more distant views towards the assets from the B4214 across the site, the proposed development includes a green corridor, which would retain a view of the Listed Buildings from this location. The site is visible in views from the Listed Buildings. The physical break resulting from the busy A438 and the railway line with its associated embankment and Grade II Listed Ledbury Viaduct, isolates the Listed Buildings from the site. The intervening distance of c.900m also reduces the contribution which views of the land within the site make to the setting of both Listed Buildings. Not least, views from the Listed Buildings presently take in the settlement of Ledbury, and the Bromyard Estate and, as such, the site is situated amongst existing visible built form. Whilst the proposed development would result in a change to a small part of the wider setting of both Listed Buildings. However, this change would not result in harm to the significance of the Listed Buildings through alteration of their setting, which derives almost entirely from other contributing values.

6.137 Officers conclude, taking a precautionary approach, less than substantial harm to any of the designated heritage (buried or otherwise) assets hereabouts would result. Indeed the ES identifies neutral or minor beneficial impacts from the development to some heritage assets. As such paragraph 196 of the NPPF is engaged. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal and this matter is revisited in the conclusion of this report.

6.138 As identified the proposal delivers the strategic planned growth of Ledbury, delivering 625 dwellings, of which 40% are affordable, along with 2.9 hectares of employment land. Further benefits include landscape and biodiversity improvements over the existing agricultural use of the site, which also, combined with the canal, will provide neutral and potential enhancement to the setting of heritage assets. On the basis of the scale of harm identified individually and cumulatively to designated heritage assets, weighed against the significant public benefits of the proposals, it is concluded the proposal should not be resisted.

6.139 As such, on the basis of the site being a strategic allocation and what is under assessment within the outline application, principle of development and access, there are no heritage grounds to resist the proposals. Core Strategy policies LB1, LB2 and LD4 are satisfied along with the heritage aims and objectives of the Neighbourhood Plan and NPPF.

#### Air Quality

6.140 Following a review of additional plans and details and further consultee comments, Environmental Health required an updated Technical Note which updated the air quality assessment submitted in 2017. The assessment was updated in response to the following points outlined below –

- updated tools (such as DEFRA emission factors used for estimating vehicle emissions) are now available since the report was produced in 2017.
- local monitoring data became available and identified a potential area of elevated levels of nitrogen dioxide,
- street canyons were not modelled in the previous assessment

6.141 These points have been addressed and further assessed in the updated BWB Technical Note 2019. The Technical Note re-assessed the potential impacts from nitrogen dioxide, and fine particulate matter (PM10 and PM2.5) as a result of increased vehicle emissions from development generated traffic. The assessment predicted pollution concentrations to be **below** the Air Quality Objective values for all pollutants at the modelled receptor locations for the opening year of development 2021.

6.142 The change in pollutant concentrations as a result of the development were calculated in accordance with the methodology in the Institute of Air Quality Management Guidance: Air Pollution and Planning. The significance was determined as negligible, at all receptor locations and for all pollutants assessed.

6.143 Therefore on the basis of the submitted air quality assessment, there are no adverse comments to make in relation to air quality matters. It is recommended that a condition should be imposed requiring provision of cabling and outside sockets for charging of electric vehicles for residential properties and electric charging points be installed in 10% (as a minimum) of the allocated parking spaces at the B class uses development.

6.144 Following the additional assessments, and review by Environmental Health Officers, Officers are satisfied air quality is addressed and there is no conflict with Core Strategy policy SD1.

#### Noise

6.145 The Planning Practice Guidance was revised on 22<sup>nd</sup> July 2019 and includes an additional statement in the first paragraph *'good acoustic design needs to be considered early in the planning process to ensure that the most appropriate and cost-effective solutions are identified at the outset'*.

6.146 BS8233 which sets desirable noise levels inside and outside is due to be revised to include reference to *ProPG guidance* and good acoustic design also. Environmental Health colleagues already have regard to the above guidance when providing responses on planning applications.

6.147 Officers recommend a condition that ensures that any subsequent reserved matters application will be required to be accompanied by a further noise/acoustic assessment that informs and addresses the specific layout and design of each phase of development. Further conditions in relation to noise based on *ProPG – Planning and Noise* requires an acoustic design statement will be submitted to present the initial site noise risk assessment including a description of the acoustic conditions and determine the appropriate level of noise risk to the finished development where no additional noise

mitigation measures are undertaken (Stage 1). At Stage 2, as part of the noise risk assessment in accordance with the guidance provide evidence that the following aspects of good acoustic design have been considered:

- Check the feasibility of relocating, or reducing noise levels from relevant sources
- Consider options for planning the site or building layout and the orientation of proposed buildings
- Select construction types and methods for meeting building performance requirements and examine the effects of noise control measures on ventilation, fire regulation, health and safety, cost
- Assess the viability of alternative solutions and assess external amenity area noise.

6.148 This approach is based on no objection from the Council's Environmental Health Officer, however reflects both general concerns and best practice guidance to ensure adequate amenity is delivered for future occupiers. On this basis policy SD1 and the relevant aims and objectives of the NPPF are satisfied.

#### Herefordshire and Gloucestershire Canal

6.149 The disused Herefordshire and Gloucestershire canal corridor is the subject of a long term restoration project with the aim of re-opening the canal link between Hereford and the Severn at Gloucester, terminating in a canal basin in Hereford. Some sections have already been restored. The recreation, tourism and economic potential of the project are recognised and the canal corridor will continue to receive protection from development through Policy E4. The Ledbury Key Diagram from the Core Strategy, above, shows the potential route of the canal across Ledbury. Opportunities aside from the strategic site to secure the reinstatement of other sections of the former Herefordshire and Gloucestershire Canal within/adjoining the town should be through the Neighbourhood Development Plan.

6.150 The application site is required, as a criterion of policy LB2 to bring forward land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust. As shown on the illustrative masterplan, a canal route through the extent of the site can be delivered and the land associated to provide the canal and adjoining infrastructure is secured through and within the S106 Agreement. Associated infrastructure such as locks, towpaths and precise detailings will be subject to a subsequent Reserved Matters application.

6.151 Due to different interpretations of the requirements of CS Policy LB2 in regards of the facilitating of the delivery of the Herefordshire and Gloucestershire canal, independent legal advice has been obtained by Herefordshire Council.

6.152 It is Officers opinion that policy LB2 does not require the developer to pay for the whole cost of providing the canal. While the Council may as a matter of planning judgment seek a full contribution, such an approach would need careful consideration with reference to regulation 122(2)(c) of the CIL Regulations, since such a level of contribution would be difficult to justify as being fairly and reasonably related in scale and kind to the development.

6.153 The Council seeks a partial contribution towards the costs of providing the canal on site but not towards the cost of providing a bridge on the Bromyard Road. The precise level of that contribution is a matter to be determined by the Council as a matter of planning judgment.

6.154 The applicants have confirmed their offer to meet policy LB2 criteria *land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust*, is as follows and secured through a s106 agreement –



- 18 metre wide corridor of land through the site, as shown on the illustrative masterplan
- Financial contribution of £1,000,000 to facilitate the canal restoration

6.155 It will be for the Canal Trust, who will be the applicant and developer of the canal, to secure relevant planning permissions and approval or license from Network Rail with regards works on the land beneath the viaduct. Officers reference the recent representation from the Herefordshire and Gloucestershire Canal Trust at para 5.11 that offers its support to the approach. Members will note that there are specific conditions suggested that relate to this part of the development. Reserved Matters application will be required for this phase and conditions are suggested to ensure control of the construction phase of this part of the development

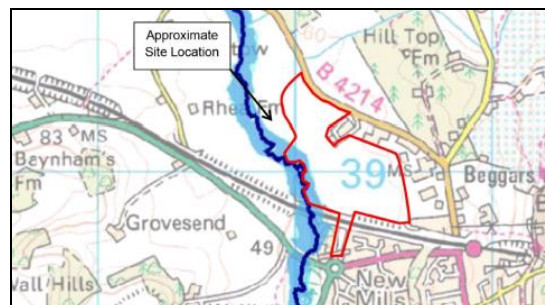
6.156 The contribution detailed above is considered to be a satisfactory contribution with respect of *facilitating* delivery of the canal and will be secured with the S106 agreement. The support of the Herefordshire and Gloucestershire Canal Trust to both the contributions and indicative canal route as detailed on the Illustrative Masterplan is noted. As such the relevant criterion of Policy LB2 is satisfied.

### ***Drainage and Flood risk***

6.157 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Representations raise concerns about network capacity for the foul drainage. Welsh Water, as the statutory consultee have been consulted and, subject to a condition that ensures that a connection is made in a specific location and there being no surface or land drainage discharge to the mains system, they raise no objection. As such, whilst noting the concerns raised locally about capacity, officers conclude that the proposals comply with the requirements of policy SD4 of the Core Strategy.

6.158 Matters of flood risk and surface water drainage have also been carefully considered in the detailed response from the Land Drainage consultant as detailed at paragraph 4.15. It is noted the application was accompanied by what was described as a robust Flood Risk Assessment, which attracted no objection from the Environment Agency.

6.159 Review of the Environment Agency's Flood Map for Planning, shown below, indicates that the majority of the site is located within the low risk Flood Zone 1 where the annual probability of flooding from fluvial sources is less than 1 in 1000 (0.1%). However, the western boundary of the site is located within the high risk Flood Zone 3 where the annual probability of flooding from fluvial sources is greater than 1%(1 in 100).



6.160 The source of this flood risk is the River Leadon. The Applicant has undertaken hydraulic modelling on the River Leadon and its tributaries in the site area using a 1D-2D ESTRY-TUFLOW model. The results of the hydraulic modelling indicate that the site is in fact not at risk of flooding in any event up to and including the 1 in 100 annual probability storm event, including a 70% allowance for

climate change. In the 1 in 1000 annual probability storm event, flooding occurs across the southern site area from a tributary of the River Leadon.

6.161 In addition to the River Leadon, the Applicant's proposals include the introduction of a canal into the site adjacent to the River Leadon. No assessment of how this feature might affect flood risk at the site has been made.

6.162 Review of the EA's Risk of Flooding from Surface Water map indicates that the southern edge of the site is located within an area at low risk of surface water flooding. It is unclear but possible that some residential property is proposed in these areas. It is noted that these areas are located in the same location as the area modelled to be at risk of fluvial flooding in the 1 in 1000 annual probability event.

6.163 The Applicant states that ground levels will be profiled to encourage pluvial runoff and overland flows away from the built development and towards the nearest drainage point. The FRA also states that floor levels should be raised generally 150mm above surrounding ground levels to mitigate residual risk from other sources. We recommend that evidence should be provided prior to reserved matters approval that floor levels, entrances to properties and ground profiles have been designed to prevent surface water entering properties in the event of surface water flooding in the southern site area.

6.164 In accordance with NPPF new development should be steered away from areas at flood risk through the application of the Sequential Test. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Given that a large proportion of the site is located in the low risk Flood Zone 1 and that the Applicant's FRA also concludes that the site is not at risk up to the 1 in 100 annual probability fluvial event and allowing for climate change, we recommend that the site passes the Sequential Test.

6.165 NPPF also requires that a sequential approach is applied to guide new development to areas of lower flood risk, where possible. Review of the proposed masterplan indicates that development is proposed to be offset from the River Leadon - this approach is welcomed and should be continued through to detailed design.

6.166 The Applicant proposes to raise flood levels 600mm above the 1 In 100 annual probability flood level, including allowance for climate change. This approach is supported.

6.167 The Illustrative Masterplan indicates that the alignment of the minor watercourses that pass through the site will be maintained. This approach is supported and Drainage colleagues recommend a minimum corridor of 4m for maintenance purposes, and that development is set back a minimum of 8m from the bank of the watercourses. It appears that the watercourses will require culverting as they pass beneath the proposed canal. No details of these requirements have been provided. This information will be required as part of any subsequent reserved matters application demonstrating appropriate capacity for the 1 in 100 annual probability plus climate change event and consideration of blockage risks.

6.168 It is noted that residential development is proposed in the area of the site that floods in the 1 in 1000 annual probability event and that this area is also at risk of surface water flooding. Whilst this is an acceptable in accordance with NPPF, we recommend that the Applicant explores opportunities to further reduce flood risk in this area - providing this information as part of any reserved matters application. If it is not possible to prevent flooding in this area up to the 1 in 1000 annual probability event, consideration must be given to the predicted flood depths during the 1 in 1000 annual probability event and recommend that floor levels are set such that all property remains flood free in the 1 in 1000 annual probability event.

6.169 The Land Drainage Consultant has not raised an objection but a detailed drainage strategy must inform the reserved matters applications and must address the requirements and issues raised. A condition and informative notes are recommended but I would conclude that the management of surface and land drainage can be satisfactorily accommodated on the site and as such the requirements of policy SD3 can be met.

6.170 Policy SD3 deals, among other things, with water consumption and a condition is recommended to address this requirement.

#### Agricultural Land and Soil Classification

6.171 Core Strategy Policy SS7 (Addressing Climate Change) considers the ways in which to tackle climate change, acknowledging the challenges facing the county including the possible effects on agriculture. This policy acknowledges that, at a strategic level, the best agricultural land should be protected where possible.

6.172 The proposal would result in loss of Grade 2 and Grade 3 agricultural land, however this is a known matter from the formation of the Core Strategy, accepted by the Inspector, balanced against the wider environmental benefits and constraints which direct the strategic growth of Ledbury under policies LB1 and LB2 to the application site.

#### Affordable Housing and Housing Mix

6.173 Policy H1 – *Affordable housing – thresholds and targets* requires all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000sqm to contribute towards meeting affordable housing needs.

6.174 The amount and mix of affordable housing including those on strategic housing sites will vary depending on evidence of housing need as identified through the latest housing market assessment, and, an assessment of the viability of the development. The following indicative target under criterion 2 has been established based on evidence of need and viability in the county's housing market and housing value areas:

- a target of 40% affordable housing provision on sites in the Ledbury, Ross and Rural Hinterlands; and Northern Rural housing value areas (which includes Bromyard);

6.175 Affordable housing provided under the terms of policy H1 is expected to be available in perpetuity for those in local housing need, secured through a legal agreement. This and the requirements above are reflected and reinforced in Policy LB2.

6.176 The proposal is policy compliant in relation to the affordable housing because the developer is providing 40% which equates to 250 units. There is a local needs requirement to provide accessible and adaptable bungalows this is to be agreed in the S106 together. The legal agreement will also secure occupancy of all resultant affordable housing being tied to a local connection to Herefordshire.

6.177 It is noted until the recent reserved matters approval at Land South of Leadon Way under reference 182628 which will 110 affordable dwellings, the New Mills development was the last significant general needs development that has produced affordable housing in Ledbury, from around 15 years ago. The Homepoint waiting list is growing considerably as there is a limited supply of affordable housing in Ledbury, and not enough to meet demand even with the recent approval, which is under construction.

6.178 The precise mix and tenure of the affordable housing and the mix of the open market units will be controlled by planning condition (and 106 for affordable housing) and agreed within any submission of the reserved matters application in each phase. The reason for this would be to ensure the needs of the area are met at that moment in time. This enables a more responsive delivery of affordable housing to exact local needs.

6.179 The overall housing delivery, affordable and open market, will within any reserved matters applications deliver the precise housing mix regarding house types and sizes and through this be required to satisfy Core Strategy policy SS3 and Ledbury NDP policies HO2.1, HO3.1 and HO4.1 (or any future or subsequent documents that might be available – eg evidence base for Core Strategy review / NDP review, etc) which aim to create and maintain balanced communities and opportunities for all members of society. The parameters set within the conditions recommended below and Heads of Terms will help secure and deliver this.

As such Core Strategy policies SS3 and LB1 and Ledbury NDP policies HO2.1 are satisfied along with the relevant aims and objectives of the NPPF which secure balanced mixed inclusive communities.

### Employment Land

6.180 The proposal brings forward 2.9 hectares of employment land for B1 Use Class uses. This represents a significant contribution towards the 15 hectares of employment land required during the Plan period. It is highlighted that in Policy SS5, 15ha of strategic employment land locations are identified for Ledbury, however in Policy E1 the only strategic employment land location is a 12 ha allocation identified as being “Land between Little Marcle Road and Ross Road, Ledbury”. There is therefore a gap of 3ha of employment land identified for Ledbury which would neatly be accommodated at the application site.

6.181 Further to the benefits of delivering allocated and protected B1 Use employment land, it is noted the site adjoins an established existing business park and employment land, is in close proximity to the train station and will adjoin residential estates. The site therefore has good levels of desirability and accessibility from employee and employer perspectives.

6.182 The Economic Development Manager has outlined that there are limited existing employment land sites that are available in Ledbury and on the market at this point in time. The council’s own property register indicates that there are no current development land opportunities within Ledbury or the immediate locality. This is potentially constraining the ability of local companies to identify suitable employment land to facilitate their company expansion and employee growth. This may result in some companies considering their future location in the town.

6.183 This aligned with the potential to facilitate job creation, which the Economic Development Manager estimates to be *substantial and likely to be 150 and probably would be significantly in excess of this figure* are important factors in terms of the economic and social health and development of the town, along with the sustainability positivity of the location for B1 Class uses here.

6.184 As evidenced at the recent Public Inquiry regarding a 420 dwelling proposal at Land off Dymock Road, reference 184032, housing delivery and growth has far outpaced the employment growth of the town that many commute for work purposes. The Ledbury Transport Strategy sets out at paragraph 3.3.3, that the range of home to work distances show that Ledbury has a greater level of out-commuting than in-commuting. The data from the table shown below also confirms that the average distance travelled to work is 16.1 kilometres. 58% of existing residents travel more than two kilometres to work. This contributes to the majority of journeys to work from Ledbury residents would be undertaken by car which would be quicker to the main employment areas outside of Ledbury, than public transport.

Distance Travelled to Work	Resident Population of MSOA Herefordshire 019 (i.e. live in Ledbury)	Workday Population of MSOA Herefordshire 019 (i.e. work in Ledbury)
Less than 2km	42%	38%
2km to less than 5km	4%	7%
5km to less than 10km	7%	9%
10km to less than 20km	21%	22%
20km to less than 30km	17%	15%
30km to less than 40km	3%	3%
40km to less than 50km	2%	3%
60km and over	5%	3%
Average Distance	16.1km	14.3km

6.185 The delivery of the employment land as part of this multi-use development has not only important economic benefits, however can also contribute to wider sustainability and climate change objectives, reducing the need to travel and reliance on use of the private car for day to day trips.

As such the employment policies and objectives of the Core Strategy are considered to be satisfied, along with contributing to compliance with wider environmental aims and objectives and securing sustainable development.

Section 106 Agreement and Conditions

6.186 The Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). Planning contributions as shown below will be secured from the development. These figures will be indexed linked when due –

Community Infrastructure Type	Contributions
Education – Ledbury Primary School and John Masefield Secondary School	<ul style="list-style-type: none"> <li>• <b>£2,413.00</b> (index linked) for a 2 bedroom apartment open market unit</li> <li>• <b>£4,297.00</b> (index linked) for a 2/3 bedroom open market unit</li> <li>• <b>£7,560.00</b> (index linked) for a 4+ bedroom open market unit</li> </ul>
Transport – Schemes identified in the Ledbury Transport Study	Transport Contribution in relation to the housing development: <ul style="list-style-type: none"> <li>• <b>£1,966.00</b> (index linked) for a 2 bedroom open market unit</li> <li>• <b>£2,949.00</b> (index linked) for a 3 bedroom open market unit</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>£3,932.00</b> (index linked) for a 4+ bedroom open market unit</li> </ul> <p>Transport Contribution in relation to the industrial development:</p> <ul style="list-style-type: none"> <li>• <b>£8,943.00</b> (index linked) for B1 office per 100m2</li> <li>• <b>£6,956.00</b> (index linked) for B1 business park per 100m2</li> </ul> <p><i>These contributions may be adjusted having regard to the costs of the off-site s278 highway works.</i></p>
Waste and recycling – the provision of 1 x black bin and 1 x green bin	<ul style="list-style-type: none"> <li>• <b>£80.00</b> (index linked) per dwelling</li> </ul>
Outdoor sports - for outdoor sports facilities as identified in the Councils Playing Pitch Assessment 2012 and Outdoor Sports Investment Plan 2019.	<ul style="list-style-type: none"> <li>• <b>£795.00</b> (index linked) per open market dwelling</li> </ul>
Canal - to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust	<ul style="list-style-type: none"> <li>• <b>£1,000,000.00</b> (index linked)</li> </ul>
Primary Care - for the provision of additional accommodation for primary medical care facilities in Ledbury	<ul style="list-style-type: none"> <li>• <b>£167,924.00</b> (index linked)</li> </ul>
Hospital – for the provision of hospital facilities in Hereford	<ul style="list-style-type: none"> <li>• <b>£330,305.27</b> (index linked)</li> </ul>
Public Open Space	<ul style="list-style-type: none"> <li>• Public Open Space @ 0.4ha per 1000 population = 0.57ha (5700sqm)</li> <li>• Children’s Play @ 0.8ha per 1000 population = 1.15ha (11,500sqm) of this 0.35ha (3,500sqm) should be formal play</li> </ul>

6.187 Further to the above, on the basis of the 40% affordable housing proposed and as confirmed by the Council’s Housing Officer, the development is policy compliant with regards to Core Strategy policies. The Affordable Housing Units will be allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

- a local connection with the parish of Ledbury
- in the event of there being no person with a local connection to Ledbury any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies

6.188 For reference, 'local connection' means having a connection to Ledbury as specified above, means because that person is or in the past was normally resident there, is employed there; or has a family association there; or a proven need to give support to or receive support from family members; or because of special circumstances.

On the basis of the above and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms has been agreed.

6.189 Recommended conditions set out below, are grouped and constructed to enable housing, employment and canal development and delivery to be executed separately to improve and encourage deliverability, so as an example landscape details pursuant to a particular housing phase do not delay delivery of employment development. There are, however, a number of overarching side wide conditions applicable to all and any phase and development type to ensure amongst other things, an holistic approach and compliance with Core Strategy policies, specifically policy LB2.

#### Other Matters

6.190 The comments from Network Rail are noted. It is proposed their requests, as applicable to be dealt with through the planning regime (a number of comments are covered by Health and Safety and other parallel legislation) will be addressed by details received at Reserved Matters stage and through the discharge of conditions. The applicant is alerted to these comments and need to address them within their submissions in an informative. In any event Network Rail will be consulted on any Reserved Matters application.

The comments from the AONB Office are noted and summarised as –

1. The likely effects of the development on the minor road network in the AONB
2. Impact on setting of the AONB
3. Views towards the AONB
4. evidence of the consideration of how the proposed design, building materials and colours will help to minimise the visual impact of this development on the AONB

6.191 In terms of point 1, and as explored in part within the highway section of this report, During the morning and evening peak hours, it is estimated that there would be approximately 20 additional vehicles along this route, which is a 19% uplift compared to surveyed existing traffic flows on Beggars Ash at the junction with Bromyard Road, although it is noted that this route is mostly just outside of the AONB itself.

6.192 In terms of points 2 and 3, the application is in relation to an allocated site in the current Local Plan such that the 'marked increase' in built form is inevitable as part of the planned allocation. Notwithstanding this it is considered that the landscape and visual impact assessment work is robust in assessing the impacts of the development as detailed above.

6.193 In terms of point 4, the Design and Access Statement refers to examples of elevations and materials which would be in keeping with the character of the area. Ultimately this level of detail will be

considered at the reserved matters stage, which would be subject to full consultation, on which the AONB Office would be invited to comment. Furthermore the extra and informed Design and Setting requirements set out in the Ledbury NDP will be required to be met, which will also ensure delivery of an appropriate design and details response at the Reserved Matters stage.

### Summary and planning balance

6.194 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows “*If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*” The development plan is the Herefordshire Core Strategy and Ledbury Neighbourhood development plan.

6.195 Therefore a logical summarisation of the above is to assess the proposals against the criteria of Core Strategy Policy LB2 – *Land north of the Viaduct* and responding to each in turn –

6.196 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:

- a comprehensively planned, mixed use development of around 625 new homes, at an average density of around 40 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of Policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;

6.197 *This will be delivered as described in the application description, and secured through planning conditions and legal agreement. The criteria are satisfied.*

- around 3 hectares of employment land, restricted to Use Class B1;

6.198 *This will be delivered as described in the application submission and provides 2.9 hectares of employment land, with delivery and precise B1 use secured through planning conditions and legal agreement. The support of the Economic Development Manager is noted. The criteria are satisfied.*

- a target of 40% of the total number of dwellings to be affordable housing;

6.199 *This will be delivered and provided as described in the application submission, with 40% of the 625 dwellings, totalling 250 affordable homes secured through planning conditions and legal agreement. The Council's Strategic Housing Officer confirms the policy compliance of the proposals. The criteria are satisfied.*

- land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust;

6.200 *This will be delivered as described in the application description and submission, with land set aside for the canal and financial contribution secured through planning conditions and legal agreement. Precise details will be supplied within a subsequent Reserved Matters application. The criteria is satisfied.*

- a new linear informal park to link to the existing town trail, riverside walk, recreational open space and existing allotments;

6.201 *This will be delivered as described in the application description and submission, and secured through planning conditions and legal agreement. The illustrative masterplan demonstrates the*



*deliverability of these features.* Precise details will be supplied within a subsequent Reserved Matters application. The criteria are satisfied.

- the provision of developer contributions towards any identified need for new/improved community facilities/infrastructure improvements. This shall include a new 210 place primary school within the development (or an expansion of the existing primary school) and new recreational open space, play, indoor and outdoor sport facilities;

6.202 *This will be delivered as described in the application submission, and secured through planning conditions and legal agreement. Details are set out in Section 6.130, above and are policy compliant and listed financial contributions agreed with relevant consultees.* The criteria are satisfied.

- provision of satisfactory vehicular access arrangements, the details of which will be determined at planning application stage

6.203 *This is delivered as described in the application description and submission, as assessed above in Section 6.36-62, and secured through planning conditions and legal agreement. The access arrangements satisfy CS policies SS4, MT1 and NPPF paragraphs 108-111.* The criteria are satisfied.

- appropriate mitigation to safeguard the amenity of future occupants from unacceptable levels of noise and to safeguard the continued operation of existing businesses adjoining the area;

6.204 *This will be delivered through precise details that will be supplied within a subsequent Reserved Matters application. Those details will be assessed within that application against the criteria, above, and also subject to full public consultation.* Members attention is drawn to both the technical assessments, above, and conditions, below that address technical matters such as noise and drainage that are fundamental to assess and inform layout from the outset.

- development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and that contributes to the distinctiveness of this part of Ledbury and respects the setting and significance of the listed viaduct and the Malvern Hills Area of Outstanding Natural Beauty;

6.205 *This will be delivered through precise details that will be supplied within a subsequent Reserved Matters application. Those details will be assessed within that application against the criteria, above, and also subject to full public consultation.*

6.206 It is noted Historic England and the Council's heritage advisors have no objection and note Reserved Matters will be the time to ensure the setting of the Viaduct is properly considered and where appropriate mitigated. Detailed comments on the expectations and principle requirements regarding heritage and landscape mitigation and enhancement within a Reserved Matters application have been identified by Officers. Further to that the Ledbury Neighbourhood Development Plan, expresses, in Chapter 8 (Built Environment) that its objective is to ensure that Ledbury maintains its character as a rural market town, with new development sympathetic in style and form to the immediate surroundings and with future development contributing to the preservation of the overall distinctiveness of the town and its setting. In particular, policies Objective BE2 and policy BE2.1 (Edge of Town transition) are key. The criteria can be demonstrated to be, in principle, satisfied as shown on the illustrative masterplan and will be fully satisfied at Reserved Matters stage.

- safeguards to ensure there is no adverse impact on water quality and quantity in the River Leadon.

- 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.
- sustainable standards of design and construction.

*The above three aspects will be delivered through precise details that will be supplied within a subsequent Reserved Matters application. Those details will be assessed within that application against the criteria, above, and also subject to full public consultation. The criteria can be demonstrated to be, in principle, satisfied as shown within the application submission and will be fully satisfied in detail at Reserved Matters stage.*

- a comprehensive sustainable urban drainage system which includes measures such as rain gardens and swales to manage ground and surface water drainage and safeguard against any increased flood risk.

This will be delivered through precise details that will be supplied within a subsequent Reserved Matters application and also secured through conditions set out in the recommendation, including a site-wide drainage masterplan. On the basis of this and the comments from the Council's Drainage Engineers and statutory consultees, the criteria can be demonstrated to be, in principle, satisfied as shown within the application submission.

6.207 On the basis of the above the proposal satisfies the site specific criteria of Policy LB2, and satisfies other relevant policies of the Core Strategy as described within the overall assessment of the proposals as relates to sustainability, environmental, transportation, landscape, heritage, ecological and economic aims and objectives.

6.208 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. As concluded above the proposals are considered to accord with the development plan through meeting the criteria of policy LB2 and other relevant plan policies. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

### **Turning to the three objectives of sustainable development;**

#### *Economic Objective*

6.209 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.

6.210 In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:

- employment and supply of associated materials, goods and services in the construction phase
- support to local services and facilities arising from the new resident population
- economic benefits to the Council through the payment of New Homes Bonus

- unlocking 2.9 hectares of employment land for development to support the growth of the economy of Ledbury and its wider area and county as a whole

6.211 The positive economic benefits arising from the scheme are significant, and will include direct economic betterment for local shops and businesses, enable new or existing businesses to expand and remain or locate to Ledbury and provide job creation and employment opportunities. On the basis of the scale and nature of the development I attach significant weight to these benefits.

#### *Social Objective*

6.212 Planning's social role incorporates providing support to strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

6.213 The proposal delivers a mix and range of housing, including affordable housing and employment land, which helps meet identified local demand now and for the future along with providing on site recreation facilities and landscaping. The delivery of these houses will also contribute to the social wellbeing of Ledbury through occupiers using and contributing to the town's existing society and life. The employment land will also enable the creation of a range of employment and job opportunities. Furthermore the development represents the planned growth of the town as set out within the Core Strategy and is not predatory unplanned development. Furthermore, the proposal will make an important contribution to rectifying the Council's housing land supply position.

6.214 As such the *social* objective is considered to be satisfied and I attribute significant weight to the benefits in community terms, particularly to the delivery of housing, establishing sustainable communities, employment opportunities and a sense of place the development will secure and delivering the planned growth of the town.

#### *Environmental objective*

6.215 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).

6.216 The proposal will enable more sustainable patterns of activity through providing new housing located where the town centre and other services and facilities are accessible by foot or bicycle from the new houses.

6.217 The proposal would result in less than substantial harm to the setting of a designated asset, however this is considered at the lower end of that scale, with significant landscape mitigation further minimising the harm. That harm is not considered to outweigh the wider benefits of the proposal, which includes the significant delivery of houses, including 250 affordable units and employment land, public open space and enhanced sustainable travel options.

6.218 Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above are positive. There is no evident harm arising in relation to other technical matters as discussed above, and officers do not feel that the impacts of the development should tip the planning balance in favour of refusal. The application delivers the strategic expansion of Ledbury, which was directed hereabouts on environmental grounds. As such I attach positive weight to the proposals as their delivery will also enable defence against unplanned speculative development in locations more harmful in environmental terms.

## Conclusions

6.219 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. Policy SS1 also aligns itself with NPPF paragraph 11 and as a matter of local plan policy states: *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise.*

6.220 The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

### **For Decision Making**

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.221 As detailed above there is conformity with the housing, employment and sustainable development policies of the development plan which includes the Ledbury Neighbourhood Plan. These policies are consistent with the guidance contained within the NPPF. Further to the local plan policy compliance described, it is also noted the Council does not have an up to date 5 year supply of housing land and as such planning permission should be granted without delay. On the basis of the clear direction from NPPF paragraph 11, the local plan policy and NPPF aims and objectives compliance, and there being no technical reasons or demonstrable harm to dictate otherwise, approval is recommended as the proposal represents sustainable development.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers.**

- 1 Applications for approval of the reserved matters shall be made to the local planning authority before the expiration of eight 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 layout, 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 and supporting details –

- Site Location Plan 9000 Rev I
- Site Access Roundabout – 3468-A-016-P4

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 LB2 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

***Site wide pre-commencement conditions***

- 5 No development shall commence until a plan has been submitted to and approved in writing by the local planning authority identifying the phasing for the development and shall identify the following:

- Residential phase(s)
- Employment phase(s)
- Canal phase(s)
- Timing of delivery of on site highway works (including but not limited to on site roads, footways, cycleway, emergency access opening) and timing
- Timing of delivery of off site highways improvements (Section 278 works)
- Timing of delivery of public open space (site wide strategy)

The development, including the completion and delivery of infrastructure shall be constructed in accordance with the agreed phasing plan, unless an alternative plan in submitted to and agreed in writing by the Local Planning Authority.

The conditions details below shall relate to the phasing plan as agreed.

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, LB2, MT1 and the Ledbury Neighbourhood Development Plan.

6 Proposals for the number, size and type of open market housing on any individual phase of the development 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. The size and type of the open market housing shall comply with the following Table, unless otherwise prior agreed by the Local Planning Authority:

Dwelling type	Quantity (%)
2 bed	25 - 35
3 bed	30 - 45
4 bed 'Small'*	20 - 37.5***
4 bed 'large'** & 5 bed	0 - 7.5***

*\*4 bed small = 150sqm GIA or less (1,615sqft or less GIA)*

*\*\* 4 bed large = more than 150sqm GIA (more than 1,615sqft GIA)*

*\*\*\* The combination of 4-bed 'small' and 'large' dwellings shall be no more than 37.5% of the total Open Market Mix.*

The development shall thereafter be implemented in accordance with the approved scheme.

Reason: The permission is outline only and this condition is imposed to ensure the development meets the present and future housing needs of Ledbury by requiring delivery of the most appropriate size and type of additional housing in accordance with the requirements of policies H3 and LB2 of the Herefordshire Local Plan – Core Strategy and policies contained within the Ledbury Neighbourhood Development Plan.

7 Development shall not begin, including works of site clearance, until a Noise Masterplan and Acoustic Design Statement for the development of the site as a whole has been submitted to the Local Planning Authority for written approval. The Statement and Plan shall also identify how the matter of noise will be considered and addressed in the Reserved Matters submissions for each phase of the development.

Reserved Matters submissions and works shall be carried out in accordance with the approved Masterplan and Acoustic Design Statement.

Reason: To ensure the development is properly informed by and ensures adequate amenity as relates to noise, existing and proposed, for all future users and occupiers of the development hereby permitted and to comply with Herefordshire Core Strategy SD1 and Paragraphs 127 and 180 of the National Planning Policy Framework.

- 8 No development shall take place until details of a phased drainage scheme, that has been informed by an assessment of the hydrological and hydrogeological context of the development in relation to the disposal of surface water and an assessment of the need for improvements to the public foul sewerage system necessary to ensure that there is sufficient capacity within the public sewerage system to accommodate the development, has been submitted to and approved in writing by the local planning authority.

Reason – To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Herefordshire Core Strategy policies LD2 and SD1.

- 9 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 (including how this addresses any phasing within the development) 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 comply with Herefordshire Core Strategy policy SD1.

- 10 Prior to commencement of development a site wide Biodiversity Enhancement Plan / Strategy shall be submitted to the local planning authority for written approval.

The plan shall contained a full working method statement for ecological works including the species mitigations with the full habitat protection and enhancements proposed. An appropriately qualified and experienced clerk of works should be appointed (or consultant engaged in that capacity) to oversee the mitigation work thereafter.

The approved site wide strategy and individual phase details shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and

Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

- 11 No development shall take place until the developer has secured the implementation of a programme of archaeological survey and recording to include recording of the standing historic fabric and any below ground deposits affected by the works. This programme shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority and shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy. The brief will inform the scope of the recording action and the National Planning Policy Framework. The commencement of development in advance of such approval could result in irreparable harm to any identified heritage asset.

- 12 The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works shall be given in writing to the County Archaeology Service.

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy LD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 13 No development shall commence, including any works of site clearance or ground preparation, a site wide Arboricultural Method Statement specifying the measures to be put in place during the construction period, for the protection of those trees and hedgerows to be retained, shall be submitted to and approved in writing by the local planning authority.

The Method Statement shall be prepared in accordance with the principles set out in BS 5837:2012 – Trees in relation to design, demolition and construction: Recommendations. Development shall be carried out in accordance with approved Method Statement.

Reason: To safeguard and protect trees and hedgerows to be retained during the construction phase and to comply with Herefordshire Core Strategy policies LD1, LD2 and LD3.

#### *Site wide - Pre-occupation conditions*

- 14 No part of the development shall be occupied until further details and proposed phasing of the approved junction improvements and off-site works, as shown on drawings 03468-A-016-P4; 03468-A-015-P1; and 03468-A-010-P5, have been submitted to and approved in writing by the Local Planning Authority. Any proposed improvements off-site will be subject to a S278 detailed design and will need to be subject to a Road Safety Audit (Stages 1-4 as appropriate).

Reason: In the interests of highway safety, 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.



- 15 The development shall not be occupied until the details, including the proposed control method relating to the use of the Emergency Access to be located on Bromyard Road (B4214), have been submitted to and approved in writing by the local planning authority. The Emergency Access shall be implemented in accordance with the approved details within the timescale identified in the Phasing Plan to be submitted in accordance with Condition 6.

Reason: In the interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1.

- 16 Before any phase of the development is first occupied or brought into use, a schedule of landscape implementation and maintenance of non private garden areas shall be submitted to and approved in writing by the local planning authority. Delivery and Maintenance shall be carried out in accordance with this approved schedule.

Reason: To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of heritage assets hereabouts, to maintain and enhance the character and appearance of the location and setting of the Malvern Hills AONB and to ensure that the development complies with the requirements of Policy SS6, LB2, RA1, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Ledbury Neighbourhood Development Plan, the Malvern Hills AONB Management Plan and the design and environmental aims and objectives of the National Planning Policy Framework.

*Site wide - compliance conditions*

- 17 Finished floor levels shall be set no lower than 600mm above the adjacent 1 in 100 year plus 35% modelled River Leadon node level shown in Table 2.4 and Figure 2.2 of BWB Consulting's FRA dated 24 January 2017 (Revision P2) unless otherwise agreed in writing by the LPA.

Reason: To protect the proposed dwellings from flood risk for the lifetime of the development and to comply with Herefordshire Core Strategy policies SS1, SS7, SD1, SD3 and SD4.

- 18 There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within 8 metres of the top of the River Leadon inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance or improvements and to comply with Herefordshire Core Strategy policies SS1, SD3 and SD4.

- 19 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 comply with Herefordshire Core Strategy policy SD1.

**20** No development in any phase, including any works of site clearance, shall commence during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated through the submission of a method statement that shall previously have been submitted to and approved in writing by the local planning authority, that nesting birds can be adequately protected. Development shall be carried out only in accordance with the approved details which may include, but are not confined to, the timing of work, pre-work checks, avoidance of nesting areas, and protection zones around nesting areas.

**Reason:** To ensure that species and habitats are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework 2018, NERC 2006.

**21** No more than 625 dwellings shall be constructed on the site.

**Reason:** To regulate the development, and on the basis of the application has been assessed and approved on the basis of this quantum of development and its impacts and to comply with Herefordshire Core Strategy policies SS1, SS3, LB1, LB2, LD1, LD2, MT1, LD1, LD4, SD3 and SD4.

***Residential Phases – Pre Commencement conditions***

**22** The reserved matters submission relating to layout, appearance and landscaping for each phase of residential development submitted pursuant to Condition 1 shall be accompanied by details of a scheme of noise attenuating measures for the proposed dwellings. The scheme shall have reference to the most recent and relevant Pro PG Planning and Noise guidance, advice provided by BS 8233:2014, Guidance on sound insulation and noise reduction in buildings (or any subsequent guidance) and the World Health Organisation Guidelines for Community Noise.

The approved scheme shall be implemented before the first occupation or use of the dwellings or employment land and thereafter be maintained as such.

**Reason:** To ensure that the preparation of the Reserved Matter in respect of layout and appearance take into account any required noise mitigation from design stages in the interests of the residential amenity of future residents and to ensure visual impacts of any mitigation are addressed in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, NDP and the National Planning Policy Framework.

**23** No phase of residential development shall commence until a Construction Site Waste Management Plan (CSWMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy.

The Plan shall include, but 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.

Construction works shall thereafter be carried out in full accordance with the CSWP and any Sub-Plans.

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.

- 24 No phase of residential development shall commence until a Materials Management Plan has been submitted to and agreed in writing by the Local Planning for that phase. The plan shall describe how soils and their function will be protected during and after construction. Works shall be carried out in accordance with the approved plan.

Reason: To protect soils and ensure adequate soil function (e.g. plant growth, water attenuation, biodiversity) in accordance with the requirements of policies SS6 and LD2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.

- 25 No phase of residential development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction Management Plan shall include, but is not limited to, the following matters:

- site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; • measures for managing access and routing for construction and delivery traffic;
- hours during which construction work, including works of site clearance, and deliveries can take place.
- Tree / hedge protection plan for the phase of development (as per condition XX)

- **Construction Traffic Management Plan**
- **Addressing of construction phase related matters listed by Network Rail in letter dated 23 July 2017.**

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 and railway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, LD2, and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy.

- 26** No phase of residential development shall commence until further details, including the proposed detailed phasing of the sustainable transport links that link the site to Hereford Road (A438), that will be necessary to provide access from the nearest publicly maintained highway to the phase (or sub phase) of development have been submitted to and approved in writing by the local planning.

The dwellings within each phase shall not be occupied until such time that the sustainable transport works relating to that phase of residential development have been completed and made available for use.

**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 reducing carbon emission, to promote sustainable development, also in the interests of highway safety and to conform with the requirements of Policies SS1, SS7, SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 27** No phase of residential development shall commence until a Drainage (foul and surface water) and Flood Risk strategy has been submitted to and approved in writing by the local planning authority:

The strategy shall address, but is not limited to the following:

- **Demonstration that there is no increase in flood risk to the site associated with the proposed canal;**
- **Demonstration that floor levels of all residential properties are above the 1 in 1000 annual probability flood depths in areas of the site shown to be at risk of flooding;**
- **Demonstration that land has been profiled and property levels and thresholds have been designed to prevent the entrance of surface water into properties in areas show to be at risk by the EA's surface water flood map;**
- **Demonstration that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features, supported by results of infiltration testing and groundwater monitoring;**
- **A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
- **Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated**

for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;

- Details of the proposed crossings of the ordinary watercourses and assessment of flood risk, demonstrating no increased flood risk up to the 1 in 100 annual probability event and allowing for climate change.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.
- Demonstration of the management of surface water during events that overwhelm the surface water drainage system and/or occur as a result of blockage;
- Details of any proposed outfall structures.

The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To ensure adequate drainage arrangements serve the development and to mitigate and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.

#### ***Residential Phases - Prior to the commencement of any above ground works***

- 28 Prior to the commencement of above ground works associated with each phase of residential development, a Travel Plan which contains measures to promote alternative sustainable means of transport for residents 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 phase to which the travel plan relates.

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. 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.

#### ***Residential Phases - Pre-occupation conditions***

- 29 No dwelling within each phase of residential development hereby approved shall be occupied until the need for foul sewerage improvements have been investigated and detailed in the foul water drainage strategy to be submitted to and approved in writing by the local planning authority in accordance with Condition 27. The resulting foul sewerage improvements shall be fully implemented and completed in accordance with the approved strategy and confirmed as such by Severn Trent Water Limited in writing to the Local Planning Authority.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with Herefordshire Core Strategy policies

**SD3 and SD4.**

- 30 No dwelling within each phase of residential development hereby approved shall be occupied until the Remediation Scheme, as approved pursuant to condition xx above, has been fully implemented.**

**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 any development within that phase 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 comply with Herefordshire Core Strategy policy SD1.**

- 31 Prior to the first occupation of each dwelling hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling (or scheme for shared provision if apartments) 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 occupation of each dwelling hereby permitted. Thereafter these facilities shall be maintained as such.**

**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.**

- 32 Prior to the first occupation of each dwelling or residential development the access, turning area and parking facilities serving that dwelling or residential development (including areas for the manoeuvring, parking, loading and unloading of vehicles) as approved as part of the reserved matters (or conditions) shall have been laid out, consolidated, surfaced and drained in accordance with the approved details (as agreed by RM or conditions) and such areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: In the interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1.**

- 33 No dwelling within each phase of residential development hereby approved shall be occupied until details including illumination areas, luminance levels and control systems of any floodlighting or external lighting proposed to illuminate any phase of the housing development, as relates to non domestic fixings, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.**

**Reason: To safeguard local amenities and adjoining land uses, Dark Skies and to comply with Policy SD1, SS6 and LD1-3 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework and Conservation of Habitats and Species Regulations (2018).**

**34 No dwelling within each phase of residential development hereby approved shall be occupied until arrangements to facilitate broadband and/or high speed internet connection to those dwellings have been implemented in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.**

**Reason: To ensure occupiers have suitable facilities and to address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.**

**35 Prior to the first occupation of any dwelling within any phase of residential development hereby permitted the development 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.**

**36 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 outside electric sockets ) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.**

**Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.**

**Employment Phase (s) – Pre-commencement condition.**

**37 The reserved matters submission relating to layout, appearance and landscaping submitted shall be accompanied by details of a scheme of noise attenuating measures for the employment development. The scheme shall have reference to the most recent and relevant Pro PG Planning and Noise guidance, advice provided by BS 8233:2014, Guidance on sound insulation and noise reduction in buildings (or any subsequent guidance) and the World Health Organisation Guidelines for Community Noise. The approved scheme shall be implemented before the first occupation or use of the employment land or buildings and thereafter be maintained as such.**

**Reason: To ensure that the preparation of the Reserved Matter in respect of layout and appearance take into account any required noise mitigation from design stages in the interests of the residential amenity of future residents and to ensure visual impacts of any mitigation are addressed in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, NDP, and the National Planning Policy Framework.**

**38 No phase of the employment development hereby approved shall commence until a Construction Site Waste Management Plan (CSWMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but 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.**

**Construction works shall thereafter be carried out in full accordance with the CSWP and Sub-Plans.**

**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.**

**39 No phase of the employment development hereby approved shall commence until a Materials Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The plan shall describe how soils and their function will be protected during and after construction. Works shall be carried out in accordance with the approved plan.**

**Reason: To protect soils and ensure adequate soil function (e.g. plant growth, water attenuation, biodiversity) in accordance with the requirements of policies SS6 and LD2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.**

**40 No phase of employment development shall commence until a Construction Management Plan that phase has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction Management Plan shall include, but is not limited to, the following matters:**

- site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;**
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; • measures for managing access and routing for construction and delivery traffic;**
- hours during which construction work, including works of site clearance, and**



deliveries can take place.

- **Construction Traffic Management Plan**
- **Tree / hedge protection plan**

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 and railway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy.

- 41 **No phase of employment development shall commence until a drainage strategy (surface and flood risk) flood risk strategy has been submitted to and approved in writing by the local planning authority:**

The strategy shall address, but is not limited to, the following:

- **Demonstration that floor levels of all buildings are above the 1 in 1000 annual probability flood depths in areas of the site shown to be at risk of flooding;**
- **Demonstration that land has been profiled and property levels and thresholds have been designed to prevent the entrance of surface water into properties in areas show to be at risk by the EA's surface water flood map;**
- **Demonstration that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features, supported by results of infiltration testing and groundwater monitoring;**
- **A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;**
- **Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;**
- **Details of the proposed crossings of the ordinary watercourses and assessment of flood risk, demonstrating no increased flood risk up to the 1 in 100 annual probability event and allowing for climate change.**
- **A detailed foul water drainage strategy showing how foul water from the development will be disposed of.**
- **Demonstration of the management of surface water during events that overwhelm the surface water drainage system and/or occur as a result of blockage;**
- **Details of any proposed outfall structures.**

- The development shall be carried out in accordance with the approved details and thereafter maintained as such.

**Reason:** To ensure adequate drainage arrangements serve the development and to mitigate and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.

***Employment Phase – Pre-occupation conditions***

- 42** Details including illumination areas, luminance levels and control systems of any floodlighting or external lighting proposed to illuminate any phase of the employment development, shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences and the building(s) are occupied. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

**Reason:** To safeguard local amenities and adjoining land uses, Dark Skies and to comply with Policy SD1, SS6 and LD1-3 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework and Conservation of Habitats and Species Regulations (2018)

- 43** Prior to the commencement of above ground works associated with each phase of residential, a Travel Plan which contains measures to promote alternative sustainable means of transport for employee 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 phase (s) to which the travel plan relates.

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. 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.

- 44** Prior to the first occupation of each unit / building sited within the employment phase of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities for staff and visitors 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 be made available for use prior to the first occupation of each unit / building within the employment phase. Thereafter these facilities shall be maintained as such.

**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.

- 45 Prior to the first occupation of each unit / building sited within the employment phase of the development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets) to serve the staff and visitors of the employment uses hereby permitted shall be submitted and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved details and provision retained and kept available for use thereafter.

Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.

#### ***Employment Phase(s) – Compliance Condition***

- 46 Prior to the first occupation of each unit / building sited within the employment phase of the development hereby permitted the access, turning area and parking facilities (including areas for the manoeuvring, parking, loading and unloading of vehicles) as details within the RM submissions relating to layout and landscaping (or subsequent conditions) have been laid out, consolidated, surfaced and drained. Such areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to comply with Herefordshire Core Strategy policies SS4 and MT1.

- 47 The land allocated for the employment phase of the development hereby permitted shall be used for Class B1 use only of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

*Reason: The local planning authority wish to control the specific use of the employment land/premises on this strategic site, in the interest of local amenity, highway safety, delivery of economic objectives and to comply with Policy SS5, E1, LB1, LB2, MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

#### ***Canal Phase – Pre-commencement conditions***

- 48 No phase of the canal development hereby approved shall commence until a Construction Site Waste Management Plan (CSWMP) has been submitted to and approved in writing by the Local Planning Authority. The plan is to ensure waste management provisions compliment the construction activities on site and that all waste emanating from the development are dealt with in an appropriate manner and follows the waste hierarchy. The Plan shall include, but 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.
- v. Construction works shall thereafter be carried out in full accordance with the CSWP and Sub-Plans.

*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.*

- 49 No phase of canal development hereby approved shall commence until a Materials Management Plan has been submitted to and agreed in writing by the Local Planning. The plan shall describe how soils and their function will be protected during and after construction. Works shall be carried out in accordance with the approved plan.

*Reason: To protect soils and ensure adequate soil function (e.g. plant growth, water attenuation, biodiversity) in accordance with the requirements of policies SS6 and LD2 of the Herefordshire Local Plan – Core Strategy and guidance contained within the National Planning Policy Framework.*

- 50 No phase of canal development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall thereafter be adhered to throughout the construction period for that phase. The Construction Management Plan shall include, but is not limited to, the following matters:

- site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles; and provision for the loading/unloading of plant and materials within the site;
- a detailed construction waste management plan that identifies the main waste materials expected to be generated by the development during construction, together with measures for dealing with such materials so as to minimise waste and to maximise re-use, recycling and recovery;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- measures for managing access and routing for construction and delivery traffic;

- hours during which construction work, including works of site clearance, and deliveries can take place.
- Construction Traffic Management Plan
- Tree / hedge protection plan
- Addressing of construction phase related matters listed by Network Rail in letter dated 23 July 2017

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 and railway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy.

- 51 Prior to the commencement of the canal development hereby permitted a detailed surface water and flood risk strategy shall be submitted to and approved in writing by the Local Planning

The Drainage Strategy shall include, but is not limited to the following:

- Demonstration that there is no increase in flood risk to the site associated with the proposed canal;
- Details of any proposed outfall structures
- Disposal of any foul flows (if any)

The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To ensure adequate drainage arrangements serve the development and to mitigate and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4.

- 52 Details including illumination areas, luminance levels and control systems of any floodlighting or external lighting proposed to illuminate any phase of the canal development shall be submitted to and approved in writing by the local planning authority before the installation of any method of illumination.

Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development.

Reason: To safeguard local amenities and adjoining land uses, Dark Skies and to comply with Policy SD1, SS6 and LD1-3 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework and Conservation of Habitats and Species Regulations (2018).

**Informatives:**

1       **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2       **This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Tel: 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.**

**Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Highway Service can be contacted on Tel: 01432 261800.**

3       **No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.**

4       **The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.**

5       **In connection with Condition [H30][H31] the applicant is advised that advice on its formulation and content can be obtained from the Sustainable Travel Officer, Herefordshire Council Transportation Unit, PO Box 236, Plough Lane, Hereford HR4 0WZ**

6       **The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.**

7       **Attention is drawn to the comments from Network Rail dated 23 July 2018. The applicant is advised to incorporate these comments within the relevant Reserved Matters submission and/ or details submitted to discharge the conditions listed above.**

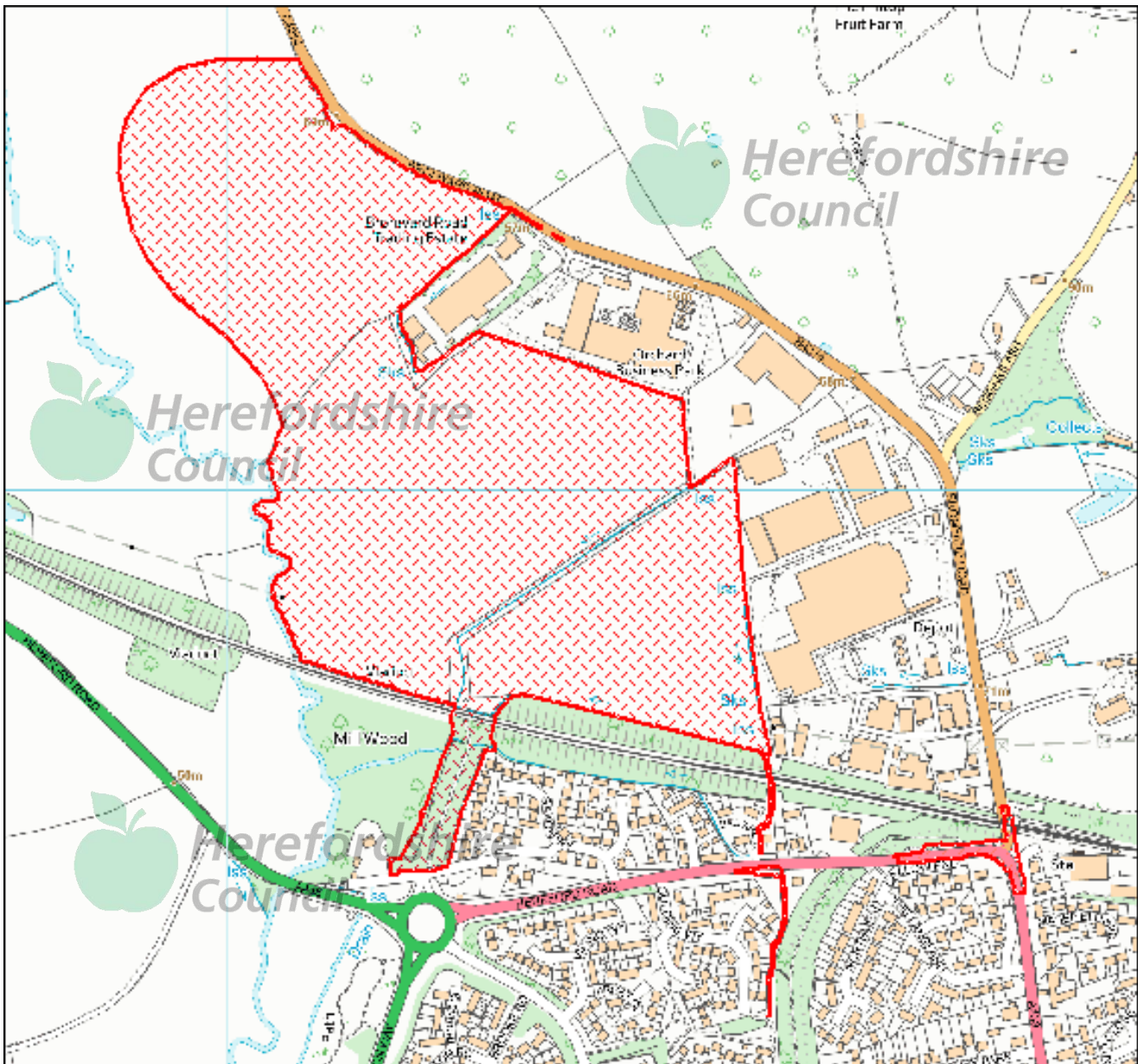
Decision: .....

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**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 171532

**SITE ADDRESS :** LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE

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# Annex 2 – 13 November 2019 Committee Update Sheet

# **PLANNING COMMITTEE**

**Date: 13 November 2019**

## **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**

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be viewed in full at –

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=184032&search=dymock%20road](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 a granted.*

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**

