

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>25 OCTOBER 2023</b>
<b>TITLE OF REPORT:</b>	<p><b>223248 - PROPOSED DEMOLITION OF EXISTING BUILDINGS ON SITE AND ERECTION OF RETIREMENT LIVING APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING, ANCILLARY FACILITIES, AND ASSOCIATED WORKS. AT BUILDING AND CURTILAGE OF GREENACRES BUNGALOW, AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY.</b></p> <p><b>For: Ms Gallagher per Miss Rachel Clare, Ross House, Binley Business Park, Harry Weston Road, Coventry, CV3 2TR</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223248&amp;search-term=223248">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=223248&amp;search-term=223248</a>
<b>Reason Application submitted to Committee – Cllr Harvey Re-direction</b>	

**Date Received: 27 September 2022    Ward: Ledbury North    Grid Ref: 370828,238262**  
**Councillor Liz Harvey**

**Expiry Date: 27 October 2023**  
 Local Members: Cllr Liz Harvey

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

- 1.1 This application seeks full planning permission for the proposed demolition of existing buildings and erection of retirement living apartments with associated access, car parking, landscaping, ancillary facilities, and associated works.
- 1.2 The application relates to a parcel of land and existing residential bungalow which is located on The Homend. The site measures a total of 1ha and comprises an irregularly shaped parcel of land, approximately 0.2 miles north of Ledbury Town Centre.
- 1.3 The existing bungalow forms which forms part of the application site, would be demolished to gain access to the site as part of the application proposals.
- 1.4 In terms of immediate context, a section of the site fronts onto The Homend (the existing bungalow), with the remainder of the site positioned behind existing residential dwellings fronting The Homend. To the north and west of the site are residential properties in Newbury Park and Robinson's Meadow. A public footpath is positioned immediately south of the site and the Tesco Superstore.
- 1.5 The site is heavily screened by dense foliage and trees along the majority of its perimeter. It also lies behind existing properties fronting onto The Homend. The topography of the site is such that

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

it falls significantly from the east and then south east to the north west (total fall of 12.5 metres). As a result of the levels within the site, it is positioned at a lower level to The Homend.

1.6 The application seeks full planning permission for a total of 53 residential apartments. The mix of properties comprise 30 1 x bedroom apartments and 23 2 x bedroom apartments. The accommodation also includes a range of communal facilities including:

- Residents lounge;
- Guests suite for use by friends and families of residents;
- Landscaped gardens with seating areas;
- Outdoor roof terrace with seating;
- Internal refuse storage room – to enable residents to dispose of waste without leaving the building;
- Battery car charging store which can charge and store large mobility scooters;
- Internal lift;
- Lifts and corridors designed to facilitate the width of scooters;
- Secure entrance lobby;
- House Manager's office.

1.7 The application is submitted on behalf of Mc Carthy Stone, a company which is an established specialist provider in the design, construction and management of retirement living accommodation.

1.8 The proposals include employment of a small number of staff to support the site (approximately 5 full time equivalent). There is a basic service charge for residents which includes domestic assistance for each apartment.

1.9 Vehicular access to the development is proposed via The Homend. This would be facilitated through the demolition of an existing residential bungalow known as 'Greenacres'. An internal private access road is proposed within the site. A total of 40 car parking spaces are provided to include disabled parking provision and EV charging points.

1.10 The development has been the subject of a formal pre-application (Ref: 221951/CE). Prior to submission of this full planning application, the applicant undertook public consultation with Ledbury Town Council and local residents.

1.11 The design approach for the development has evolved significantly, both in terms of what was submitted at pre-application stage and during the course of this full planning application.

1.12 The full planning application, as originally submitted comprised a 'mock tudor' building design with a greater footprint and scale. Extracts of the Superseded Proposed Front and Rear Elevations are included below for context:



ELEVATION 01

Entrance Elevation – **Superseded** Drawing No. MI-2822-03-AC-2000 Rev D



ELEVATION 03

Rear Elevation – **Superseded** Drawing No. MI-2822-03-AC-2001 Rev D

1.13 The revised application proposals, and the designs upon which the application is being assessed, comprise an 'L' shape building, which is sited fairly centrally within the main rear section of the site. In terms of scale, the development comprises a mixture of three and four storeys. The four storey scale of the building would be achieved through a part of the building including a lower ground level. An extract of the submitted amended site plan is included below:



Site Plan - Drawing No. MI-2822-03-AC-0001-K

Extracts of the Amended Proposed Front and Rear Elevations are included below:



Entrance Elevation - Drawing No. MI-2822-03-AC-2001

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139



Rear Elevation - Drawing No. MI-2822-03-AC-2002

- 1.14 The building design comprises pitched roofs, with projecting gables. The architectural approach is a contemporary one which encompasses some traditional architectural detailing. The primary length of the building is proposed to provide an active frontage as the site is approached from The Homend.
- 1.15 In terms of materials, red brick is the dominant material, with render also incorporated within the proposals. Windows are proposed to be grey, dark brown roof tiles and wood effect feature frame detail.
- 1.16 Below is a list of the documentation which has been submitted in connection with the application and is relevant to the current application proposals:
- Full Planning Application Form;
  - Location Plan (Ref: MI-2822-02-AC-0000);
  - Tree Constraints Plan (Ref: 1571-KC-XX-YTREE-TCP01Rev0);
  - Land Survey and Underground Services (Ref: 21748A/1);
  - Amended Site Plan (Ref: MI-2822-03-AC-0001);
  - Amended Boundary Treatments (Ref: MI-2822-03-AC-0002);
  - Amended Lower Ground (Ref: MI-2822-03-AC-1000-E);
  - Amended Ground Floor Plan (Ref: MI-2822-03-AC-1001-F);
  - Amended First Floor Plan (Ref: MI-2822-03-AC-1002-E);
  - Amended Second Floor Plan (Ref: MI-2822-03-AC-1003-E);
  - Amended Roof Plan (Ref: MI-2822-03-AC-1004-C);
  - Amended Entrance Elevation (Ref: MI-2822-03-AC-2001-D);
  - Amended North Elevation (Ref: MI-2822-03-AC-2003-B);
  - Amended South Elevation (Ref: MI-2822-03-AC-2004-C);
  - Amended Levels Strategy (Ref: MI-2822-03-DE-100 Rev B);
  - Amended Impermeable Area (Ref: MI-2822-03-DE-103)
  - Amended Landscape Layout (Ref: MI-2822-03-LA-4195-101I);
  - Amended Planting Plan (Ref: MI-2822-03-LA-4195-201H)
  - Amended Street Elevations (Ref: MI-2822-03-AC-2000-C);
  - Amended Tree Protection Plan (Ref: 1571-KC-XX-YTREE-TPP01RevB);
  - Amended Visually Verified Images;
  - Tree Survey and Impact Assessment;
  - Energy and Sustainability Statement;
  - Climate Change Measures Compliance Checklist;
  - Flood Risk Assessment;
  - Heritage Assessment;
  - Statement of Community Involvement ;

- Transport Statement;
- Drainage Statement;
- Drainage Soakaway Assessment;
- Planning Statement;
- Ledbury Housing Need Assessment;
- Noise Report;
- Land Contamination Site Appraisal;
- Design and Access Statement;
- Ecology Appraisal and Surveys;
- Biodiversity Metric Assessment;
- NDP Conformity Response;
- Planning Obligations Letter;
- Full Viability Report (Confidential);
- Viability Executive Summary;
- Covering Letter.

## 2. Policies

### 2.1 Herefordshire Local Plan – 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
H1	–	Affordable Housing – Thresholds and Targets
H3	–	Ensuring an Appropriate Range and Mix of Housing
OS1	–	Requirement for Open Space. Sports and Recreation Facilities
OS2	–	Meeting Open Space, Sports and Recreation Needs
MT1	–	Traffic Management, Highway Safety and Promoting Active Travel
E1	–	Employment Provision
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
ID1	–	Infrastructure Delivery

### 2.2 Ledbury Neighbourhood Development Plan

The Ledbury Neighbourhood Plan has recently been reviewed. The reviewed plan for Ledbury was made on 13 June 2023 and now forms part of the Development Plan for Herefordshire.

Policy SD1.1	–	Ledbury as a Self-Sustaining Community
Policy SD1.2	–	Settlement Boundary
Policy SD1.3	–	Sustainable Design
Policy HO2.1	–	Reinforcing Balanced Housing Communities
Policy HO2.2	–	Housing Density
Policy HO2.3	–	Design Criteria for Residential Development
Policy HO3.1	–	Housing for the Elderly
Policy BE1.1	–	Design
Policy BE2.1	–	Protecting and Enhancing Heritage Assets

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- Policy NE1.1 – Protecting and Enhancing Biodiversity and Geodiversity
- Policy CL1.1 – Community Services and Facilities
- Policy CL2.1 – Protection of Open and Green Spaces and Playing Fields
- Policy TR1.1 – Footpaths and Cycleways

## 2.3 **National Planning Policy Framework**

- Chapter 2** Achieving sustainable development
- Chapter 4** Decision-making
- Chapter 5** Delivering a sufficient supply of homes
- Chapter 6** Building a strong, competitive economy
- Chapter 8** Promoting health 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

## 2.4 **National Planning Practice Guidance**

- 2.5 The Government publishes guidance in respect of various topic areas which can be found using the following link - [Planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-practice-guidance)
- 2.6 The 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)

## 3. **Planning History**

- 3.1 **221951/CE:** Pre-application advice for the demolition of existing Green Acres bungalow (to provide access) and erection of 53 Retirement Living apartments for older persons (C3 Use), access, car parking, landscaping and ancillary development.

## 4. **Consultation Summary**

### 4.1 **Statutory Consultations**

### 4.2 **Severn Trent** (*Comments dated 8 November 2022*)

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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.

SITE SPECIFIC COMMENTS: having viewed the submitted Drainage Strategy (Drawing: MI2822-03-DE-101 Rev: \*) we wish for the drainage condition above to be applied.

Surface water is shown to be discharged to the nearby watercourse; we would recommend discussing this proposal with the LLFA.

Foul sewage is proposed to be pumped from the site to the public foul sewer. I would recommend the Developer/Applicant to make contact with STW and look to submit a Development Enquiry for this development site; this will discuss the drainage proposals for site, and if any issues, look to resolve them. It is best to visit our website:

<https://www.stwater.co.uk/building-and-developing/new-site-developments/developerenquiry/> and follow the application form guidance to begin this process.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician). Kind regards, Asset Protection Team Severn Trent.

**Further Severn Trent response received 9 June 2023 – comments same as above**

**4.3 Welsh Water (Comments dated 22 November 2022)**

We anticipate this development will require the installation of a new single water connection to serve the new premise. Capacity is available in the water supply system to accommodate the development. The applicant will need to apply to Dwr Cymru Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to our new water connection application guidance notes available on our website.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

Please quote our reference number in all communications and correspondence.

**4.4 Hereford and Worcester Primary Care (Comments dated 7<sup>th</sup> November 2022)**

Full consultation response can be viewed via the following link: [documents \(herefordshire.gov.uk\)](https://documents.herefordshire.gov.uk)

Extract of table setting out the Capital Cost of Primary Healthcare relating to the proposal.

Primary Care Network	Additional Population Growth (53 dwellings) <sup>1</sup>	Floorspace required to meet growth (m <sup>2</sup> ) <sup>2</sup>	Capital required to create additional floor space (£) <sup>3</sup>
East Herefordshire PCNs	72	4.8	11,040

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be £11,040. Payment should be made before the development commences.

#### 4.5 Internal Council Consultations

#### 4.6 Area Engineer (Highways) (Comments dated 30 November 2022)

No objection to the development, the site is sustainably located with easy walking provision to the centre of Ledbury and the train station. The site accommodated more than the required number of parking spaces.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

---

#### Recommendations:

<input type="checkbox"/>	No Highways Objection – No Conditions Required
<input checked="" type="checkbox"/>	No Highways Objection – With Conditions (List Conditions Below)
<input type="checkbox"/>	Additional Information or Amendment Required
<input type="checkbox"/>	Highways Objection (List Reasons Below)

CAB - Visibility Splays  
CAD - Access gates – 5m  
CAE - Vehicular access construction  
CAI - Parking – single/shared private drives  
CAT - Construction Management Plan  
CB2 - Secure covered cycle parking provision  
CB3 - Travel Plan

I11 – Mud on highway  
I09 – Private apparatus within the highway  
I45 – Works within the highway  
I47 – Drainage other than via highway system  
I41 – Travel plans  
I35 – Highways Design Guide and Specification

#### 4.7 Area Engineer (Highways) (Comments dated 7 June 2023)

The proposals are for the construction of a 53 retirement living apartments with associated access, car parking and landscaping.

A previous highways response has indicated no objections to the proposed development. It is understood that there have been no material (from a highways and transportation perspective) alterations to the proposed development since these comments have been made.



The car parking provided is over and above the maximum provision, however this remains less than one space per unit and is considered acceptable given the operational requirements for the site and to ensure that the development does not overspill onto the local highway network.

As such, the local highway authority have no objections to the development proposals subject to the following conditions.

**Recommendation**

<input type="checkbox"/>	No Highways Objection – No Conditions Required
<input checked="" type="checkbox"/>	No Highways Objection – With Conditions (List Conditions Below)
<input type="checkbox"/>	Additional Information or Amendment Required
<input type="checkbox"/>	Highways Objection (List Reasons Below)

- 1) Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 39.5 metres in each direction along the nearside edge of the adjoining carriageway. 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 conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 2) No access gates/doors shall be provided at the site access / internal access road without the prior written approval of the local planning authority.

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

- 3) 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.

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

- 4) Prior to the first occupation of the development 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 ensure the free flow of traffic using the adjoining highway and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 5) Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:

- A method for ensuring mud is not deposited onto the Public Highway
- Construction traffic access location
- Parking for site operatives
- Construction Traffic Management 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 safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 6) Prior to the occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle and mobility scooter parking facilities within the curtilage of the property shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle and mobility scooter parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses 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.

#### 4.8 **Building Conservation Officer** (*Comments dated 24 November 2022*)

Further to our site visit on Tuesday 22nd November and consideration of the submitted drawings for the proposed new retirement home at the above site please note my comments.

At the pre-application stage I made a tour of Ledbury with the applicant's heritage advisor for the purpose of demonstrating the character of the historic town which is typified by generally two and some three storey properties which have developed along the street frontage on relatively narrow burgage plots. Although there is a continuous street frontage the range of building materials, orientation of roof forms, set backs, projections and varying heights gives the town its distinctive character.

Whilst there has been some effort to add variety to the elevations I still have very serious concerns over the scale, massing and detail of the proposed development.

In order to respond to the locally distinctive character of Ledbury the monolithic form of the proposal needs to be broken down into substantially smaller elements. Bringing forward the gabled sections would help to break down its scale and massing into smaller elements, providing greater visual interest and would give some logic to the apparently random change in building materials which as presented has been applied almost like wallpaper.

The four storied west elevation is particularly poorly. It has an overwhelming scale with an appearance similar to a series of dockland bonded warehouses and has no parallel in Ledbury. It is questionable if four stories is at all appropriate.

There are more contemporary ways of responding to the historic character of the town than the pastiche use of timber framing – as mentioned above it does not appear to relate specifically to the structural form of the building and a more honest approach for example would be to use areas of render.

The front entrance porch is a very weak focal point of the front façade.

The main approach from The Homend, and the most publicly visible part of the building has an almost blind gable with a section of the ground floor serving as a bin store. I could see no reason why there shouldn't be windows here, nor why there are so few windows and blind windows on the south elevation.

As a slightly separate side issue, with such a large roof form what environmental consideration has there been for solar panels.

Please do let me know if you require further comment but I hope this is sufficient constructive criticism at this stage to assist the applicant in addressing the concerns which we all felt about the proposal.

#### 4.9 **Building Conservation Officer** (*Comments dated 1 March 2023*)

In general I consider these latest proposals to be a significant improvement on the initial sketch scheme, and first set of drawings and from a heritage perspective don't have any major objections. There are details which I feel could be improved as follows:

##### Entrance Elevation

I think the mix of render and brick needs to relate to the plan form, so don't mix brick and render on the same horizontal plane.

The entrance would be improved if it stepped forward slightly, and the mix of brick and render to the left of the entrance would be better if it were all brick.

##### South Elevation

I think it is unfortunate that there are no south facing windows into the bedrooms. The bed could just as easily be placed on against the partition wall and I don't see why the partition wall could not pinch a little space from the kitchen/dining/living space which by comparison seems generous.

Not really my remit, but I would prefer the area set aside in the north west corner as a wild area to include a pond – it is after all already quite a boggy area.

#### 4.10 **Landscape** (*Comments dated 23 May 2023*)

Comments:

I welcome the additional information and the changes to the design. There are some improvements and some remaining concerns which will need to be balanced in any planning decision:

##### **Improvements**

- The elevation treatments and materials are more subtle and more in-keeping with the character of Ledbury.
- The Visually Verified Montages demonstrate that there are very limited views into the site.
- The Landscape Layout (dwg no MI-2822-03-LA-4195-101 Rev I) is more legible and would create an attractive setting to the building.
- The detailed Planting Plan (dwg no MI-2822-03-LA-201 Rev H) provides a wide range of species to enhance the site.
- The existing boundary vegetation is mostly retained.

##### **Concerns**

- The scale of the building remains very large. The Street Elevations (dwg no MI-2822-03-AC-2000 Rev C) are welcome and very well presented, however the new building is as large as the nearby supermarket.
- Loss of open space within the built up area of the town.
- The Levels Strategy (dwg no MI-2822-03-DE-100 Rev B) is welcome and very clear but extensive retaining walls are still required which does not work well with the natural character of the site. These are very large engineered features, at some places up to 3m. None of the visuals in the DAS or other supporting information show detail of these.

- The Landscape Layout and Planting Plan do not show the retaining walls as set out on the Levels Strategy – this should be updated. There remains conflict with some tree positions and the long term success of planting in close proximity to hard engineering (in relation to soil volumes, foundations and water availability).
- It is disappointing that the building elevation drawings do not show existing ground level for comparison.
- The Boundary Treatments (dwg no MI-2822-03-AC-0004 Rev A) still shows close board fence required around the whole site boundary, which would visually detract from the retained vegetation and construction work could damage root systems.

The above comments are provided in relation to Core Strategy Policy LD1 on townscape character and landscape schemes and LD3 on green infrastructure.

#### 4.11 **Ecology** (*Comments dated 2 November 2022*)

The supplied preliminary ecological report by Worcestershire Wildlife Consultancy dated June 2022 is noted and refers.

In the main this report appears relevant and appropriate but appears to understate the potential importance of this remaining green oasis in an otherwise intensively developed area of a main Market Town of the county. This understated potential is perhaps of particular importance to local (unassessed) use by local populations of Bats (protected species). The site has potential to provide a core habitat for local foraging and the significant reduction in natural habitats and food sources (insect populations) that this development could create has the potential to affect the maintenance of local bat populations. The LPA has a duty to ensure that all potential effects on protected species populations are fully considered during the planning process – not just physical roosting in the case of bat species.

No optimal period (May to-September/October to allow for habitat supporting mating behaviour) surveys have been undertaken and the LPA has no information on how the proposed loss/change of this local 'natural green space' will impact or affect local Bat populations.

It is noted that actual access to fully inspect the dwelling proposed for demolition to create access to the site has not been possible and so there remains an unassessed potential for the proposed development to directly create the loss of bat roosting. If access to complete a thorough and detailed survey was not possible at least one Optimal Period bat survey (May-August) should have been completed to help, inform the final report and recommendations – if actual evidence of bat roosting or bat roosting behaviour was identified then further optimal surveys would be triggered.

Further detailed bat survey work – including periods of static monitoring of the wider site and a detailed bat survey of the existing dwelling to be demolished are requested to provide a full picture of how the whole proposed development will actually impact local protected species populations is required. Once this additional survey work has been carried out and detailed report supplied the LPA can progress the required detailed consideration of effects on the development on local Protected Species populations.

There is no certainty that the proposed development will not affect or harm local protected species populations. An Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy LD2, (SS1, SS6 also apply); The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF (2021); NERC Act (2006) obligations and considering the council's declared Climate Change and Ecological Emergency.

A fully detailed plan and specification for biodiversity net gain enhancements the development will deliver – including but not limited to enhancements for bat roosting, bird nesting, hedgehogs

and insect/invertebrates is requested. If not supplied for approval as part of any planning permission granted a relevant pre-construction condition will be requested to secure this detailed plan and specification.

#### 4.12 **Ecology** (*Comments dated July 2023*)

The additional ecology surveys and reports in respect of:

- Reptiles (Middlemarch ref RT-MME-159116-03 dated June 2023)
- Bat Surveys (Middlemarch ref RT-MME-159116-02 dated June 2023)
- Great Crested Newt Survey (Middlemarch ref RT-MME-159116-05 dated June 2023)
- Revised Preliminary Ecology Appraisal (Middlemarch ref RT-MME-159116-01 Ref B dated 30/06/2023)
- Additional information in respect of Badger Surveys has also been received but remains confidential.

These reports hereby collectively referred to as Ecology Information June 2023 are noted and refer.

- These detailed reports confirm that there is no evidence of use of the existing building proposed for demolition by Bat species, although general bat foraging and commuting is known in the wider locality. A relevant precautionary working method is proposed accompanied by habitat enhancements to support future use by bats.
- A small loss of reptile habitat will result from the proposed development, it is not possible to support the identified small population of Slow Worm on the site during the development process and a relevant translocation plan is proposed. The population was already isolated and translocation is likely to result in a wider and better habitat to support the small breeding population; in addition the grounds of the new development once completed will provide further reptile habitat and recolonization will be possible. A relevant Licence will be required from Natural England to support this translocation process.
- The development will not impact or affect any local populations of Badgers.
- No presence of Great Crested Newts has been identified as being associated with the development site.
- Enhancements to support bird nesting are proposed as part of the development.
- Other Habitat and species enhancements are proposed as part of the wider development and associated grounds-landscaping.

The recommendations and proposed mitigation, compensation and biodiversity enhancements as detailed in the suite of Ecology Information dated June 2023 should be secured for implementation in full through condition on any planning permission finally granted. These recommendations include provision of a Construction Environmental Management Plan and a Landscape Environmental (Ecological) Management Plan.

No ecology objection is raised to the proposed development.

#### 4.13 **Tree Officer** (*Comments dated 11 October 2023*)

The amended footprint appears to be less intrusive on retained trees and I can confirm I do not have an objection to the project.

- Trees

I had previously raised concerns for with the proximity of the southern boundary, which comprises of large conifer trees adjacent to a garden/seating area. The amended drawing places the building further away by approx. 5m, which should result in the trees appearing less domineering. I would however recommend this line of trees are reduced in height.

To facilitate the access an area of trees shall be removed. The Tree Report identifies them as category C, having low quality and a life expectancy of no more than 10 years. The site lies outside of the Conservation Area and no trees are currently protected by a Tree Preservation Order. Viewing from outside the site; with the retention of boundary green infrastructure and the specimen trees outside the red line, but within the property curtilage, the arboreal and public amenity value will largely remain unchanged.

- Planting scheme

The proposed new planting is acceptable. The retained larger species will still be the dominate features but the addition of small and medium sized trees will and context and are suitable for the nature of the site.

- Drainage

The drainage avoids conflicts within the main site. A tree on the small green space at Robinsons Meadow, is affected but in my opinion is any root severance shouldn't be detrimental.

In conclusion I don't not have an objection to the proposed works and from an arboreal perspective the proposals are compliant with Local Plan policies LD1 & LD3.

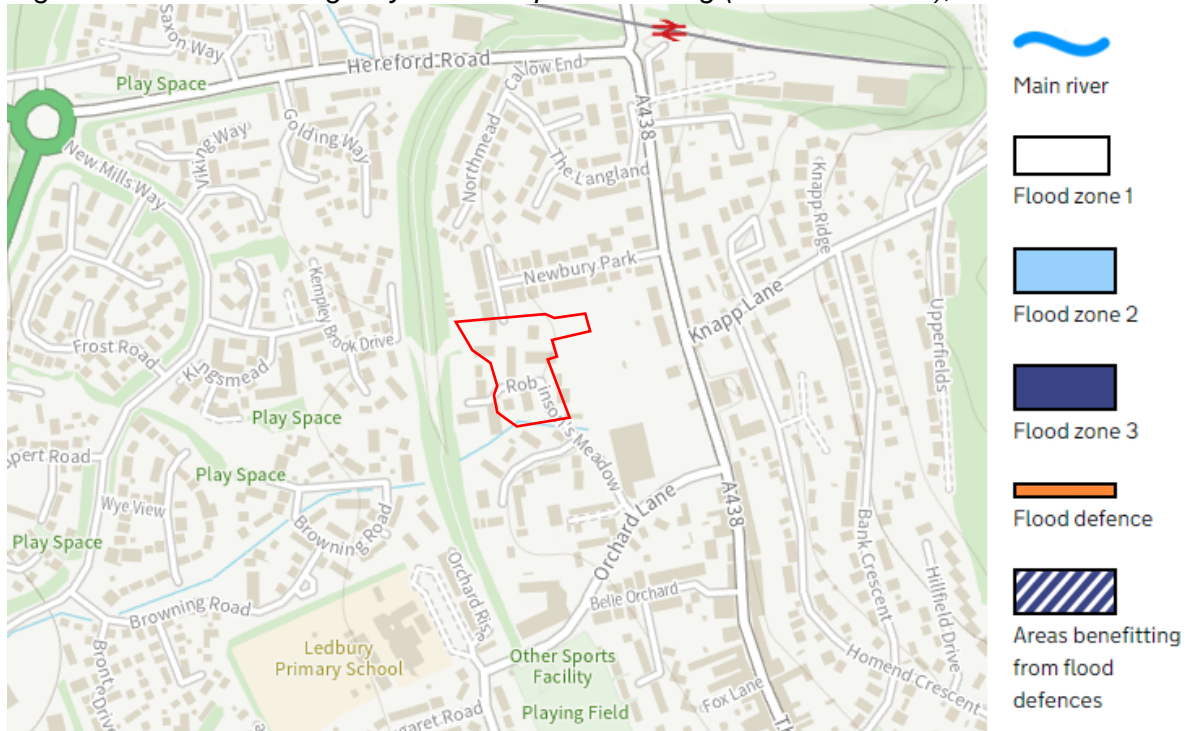
4.14 **Land Drainage (LLFA)** (*Comments dated 27 January 2023*)

Our knowledge of the development proposals has been obtained from the following sources:

- Application for Planning Permission;
- Location Plan (Ref: MI-2822-02-AC-0000 A);
- Site Plan (Ref: MI-2822-03-AC-0001 I);
- Drainage Strategy (Ref: MI-2822-03-DE-101);
- Levels Strategy (Ref : MI-2822-03-DE-100);
- Planning Statement;
- Covering Statement;
- Phase I Site Appraisal;
- Phase II Site Appraisal;
- Planning Obligations Letter;
- Flood Risk Assessment;
- Drainage Statement.

**Site Location**

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2022



**Overview of the Proposal**

The Applicant proposes the demolition of an existing bungalow and the construction of 53 Retirement Living apartments (32 x 1-bed and 21 x 2-bed). The site covers an area of approx. 1.004ha and is currently greenfield. An ordinary watercourse flows approx. 60m to the southwest of the site. The topography of the site slopes down from east to west by approx. 10m.

**Flood Risk**

**Fluvial Flood Risk**

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

As the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application will need to be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

The FRA prepared to support the planning application should include an assessment of risk associated with all sources of flooding, in accordance with the NPPF. This should include considerations of surface water, groundwater, sewers, reservoirs and any other manmade

sources. The management of the additional surface water runoff generated by the proposed development should also be considered.

### **Surface Water Flood Risk**

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not at risk of surface water flooding, however there are two low risk surface water flow routes across the site. Runoff in these areas should be considered within the design of the development.

Figure 2: EA Surface Water Flood Risk Mapping, June 2022



### **Other Considerations**

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### **Surface Water Drainage**

Infiltration testing has not yet been undertaken onsite. This must be conducted in accordance with BRE 365 to determine whether a surface water discharge to ground is viable. Alternative onsite ground investigations have taken place whereby excavations up to 4mBGL have been conducted. No groundwater was encountered in any of the holes except on one occasion where groundwater was found at 1.5mBGL.

We understand that the current surface water drainage proposals involve an attenuated and restricted offsite discharge to a watercourse located to the southwest of the site. The proposed outfall is within the site boundary. Should a discharge to ground be proven unviable, this is an acceptable proposal in principle.

The surface water from the proposed building will be attenuated in a cellular storage tank which has been sized for a 1 in 100yr + 40% CC event. The proposed volume of 197m<sup>3</sup> will be adequate given that the required volume was found to be 190.1m<sup>3</sup>. A hydrobrake is proposed to limit the offsite surface water discharge to 2l/s via a 67mm diameter orifice. An orifice larger than 70mm



is favourable to mitigate the risk of blockage so this should be considered within the design of the system.

We also note proposals for the parking area to be constructed from tanked permeable paving which will reduce any potential surface water runoff from the site. The water collected in the tanked permeable paving will be directed towards the cellular storage tank and will ultimately discharge to the watercourse via the hydrobrake.

For the main site access road/driveway, we assume this is to be constructed of impermeable materials given that numerous road gullies are proposed along its length. The gullies are proposed to drain into the main surface water drainage system including the cellular tank.

We note that the system (attenuation tank) is sized for an impermeable area of 0.3ha. However, the roof area of the proposed building and total area of impermeable surfaces is unclear. These must be clarified to ensure the surface water drainage system has been designed appropriately.

The maintenance arrangements for the surface water drainage strategy have been clarified.

### **Foul Water Drainage**

We note proposals for the foul water to discharge to the Severn Trent public foul sewer located to the east of the site in The Homend. Severn Trent have confirmed they have no objection to the proposed connection. We understand that a pumping station with associated rising main will be required to achieve this discharge. Pumped discharges are not favourable, however we note that the infrastructure would have to be constructed to adoptable standards with 24 hours of additional storage.

The pumping station presents a risk of foul flooding and so should be eliminated from the design if possible.

We are aware of another public foul sewer located to the southwest of the site (in Robinson's Meadow) whereby a gravity fed discharge may be achievable. This potential connection point must be investigated and prioritised over the pumped solution.

We note the proposals for 53 apartments. If these apartments are sold in the future, then the future owners would need to pay sewerage charges to Severn Trent Water. In such a case the foul drains serving the apartments should become public assets. The foul drainage strategy needs to consider the future scenario when assets managed by a private management company need to be transferred to Severn Trent Water. Any proposals for a Sewage Pumping Station would need to meet the approval of Severn Trent in case ownership of the pumping station is transferred to Severn Trent in the future.

Owing to the size of the development according to Sewers for Adoption, a Type 3 station would be required. This would need to be located at least 15m from habitable buildings. The drainage layout shows the pumping station too close to buildings and so the proposals will need to be reconsidered. Vehicular access for tankers would also be required in case the pumps fail.

### **Overall Comment**

We recommend that the following information is provided prior to the Council granting planning permission:

- Confirmation of the areas of the building roof and impermeable surfaces.

- Clarification of whether a gravity fed connection to the public foul sewer is possible, noting our comments on the proposals for a pumping station.

#### 4.15 Land Drainage (LLFA) (Comments dated 4 July 2023)

Full consultation response can be viewed via the following link –

[Planning Search – Herefordshire Council](#)

Our knowledge of the development proposals has been obtained from the following additional sources provided since our previous formal consultation response provided in January 2023:

- AMENDED Site Plan – April 2023 (Ref: MI-2822-03-AC-0001 Rev K);
- AMENDED Levels Strategy – April 2023 (Ref: MI-2822-03-DE-100 Rev B);
- AMENDED Drainage Strategy – June 2023 (Ref: MI-2822-03-DE-101 Rev C);
- AMENDED Impermeable Area – April 2023 (Ref: MI-2822-03-DE-103);
- AMENDED Drainage Statement – April 2023 (Fourth Issue);
- AMENDED Flood Risk Assessment – April 2023 (Ref: A01-C05);
- ADDITIONAL Drainage Officer Response Letter – April 2023;
- ADDITIONAL Drainage – Soakaway Assessment – April 2023;
- AMENDED Design and Access Statement – April 2023.

### **Site Location**

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), June 2022



### **Overview of the Proposal**

The Applicant proposes the demolition of an existing bungalow and the construction of 53 Retirement Living apartments (32 x 1-bed and 21 x 2-bed). The site covers an area of approx. 1.004ha and is currently greenfield. An ordinary watercourse flows approx. 60m to the southwest of the site. The topography of the site slopes down from east to west by approx. 10m.

### **Flood Risk**

#### ***Fluvial Flood Risk***

Review of the Environment Agency’s Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

As the proposed development is more than 1ha, in accordance with Environment Agency standing advice, the planning application has been supported by a Flood Risk Assessment

(FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

\*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

The Flood Risk Assessment confirms that the site is wholly located within Flood Zone 1 and there are no records of historic flooding.

### Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the majority of the site is not at risk of surface water flooding, however there is a low-risk surface water flow route across the northern site area. A second low to medium-risk surface water flow route is found along the southern site boundary; this does not enter the site area.

Figure 2: EA Surface Water Flood Risk Mapping, June 2022



The Flood Risk Assessment addresses the surface water flood risk posed to the site. We understand that no development will take place in the majority of the area identified as a low-risk flow route across the northern area of the site; this will remain as open green space. The overland flow route appears to cross the site entrance. It is stated that the ground levels around this existing overland flow route and along the access/egress route will not be raised above the

existing ground levels. The overland flow route is to be retained as part of the proposed site layout to ensure the flood risk is not diverted to other areas of the site or additional third parties. Should the ground levels at the site entrance require raising, we note proposals for short sections of culvert to be used below the site access road to allow the overland flow route to remain as existing.

To provide additional mitigation to the potential surface water flood risk onsite, we note proposals for the Finished Floor Levels of the proposed development to be raised 150mm above existing ground levels. This is adequate.

### ***Other Considerations***

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### **Surface Water Drainage**

Ground investigations have been undertaken at the site whereby 8 trial holes were excavated to 2.2mBGL across the site and a further 5 boreholes were excavated to 4mBGL. From these, it was determined that the site is underlain by stiff clay and mudstone which have a very low permeability. We also note the failure of infiltration testing undertaken at neighbouring sites within close proximity to the proposed development. As some onsite ground investigations have been undertaken, and the proven low permeability of the surrounding area, we will accept that a surface water discharge to ground is highly unlikely to be viable.

We note proposals for an attenuated and restricted offsite discharge to a watercourse located to the southwest of the site. The proposed outfall is within the site boundary. An easement will be required for the construction of the headwall as this is on Herefordshire Council land.

The proposed development will contribute an overall impermeable area of 3201m<sup>2</sup>. The surface water from the proposed building will be attenuated in a cellular storage tank which has been sized for a 1 in 100yr + 40% CC event. The proposed volume of 197m<sup>3</sup> will be adequate given that the required volume was found to be 194.8m<sup>3</sup>. A 75mm hydrobrake is proposed to limit the offsite surface water discharge to 2.5l/s. The proposed system is gravity fed throughout, as required.

We also note proposals for the parking area to be constructed from tanked permeable paving which will reduce any potential surface water runoff from the site. The water collected in the tanked permeable paving will be directed towards the cellular storage tank and will ultimately discharge to the watercourse via the 75mm hydrobrake.

For the main site access road/driveway, we assume this is to be constructed of impermeable materials given that numerous road gullies are proposed along its length. The gullies are proposed to drain into the main surface water drainage system including the cellular tank. This area has been accounted for within the impermeable site area and therefore accommodated within the surface water drainage system design.

We understand that the maintenance and management of the surface water drainage system will be undertaken by McCarthy Stone Management Services even when the development is completed and occupied.

### **Foul Water Drainage.**

We note proposals for the foul water to discharge to the Severn Trent public foul sewer located to the east of the site in The Homend. Severn Trent have confirmed they have no objection to

the proposed connection. We understand that a pumping station with associated rising main will be required to achieve this discharge.

As previously advised, pumped discharges are not favourable. The Applicant has exhausted all options regarding accommodating a gravity fed discharge to the public foul sewer located in Robinson's Meadow to the southwest of the site. However, we understand that there is a strip of third-party owned land between the southern site boundary and PROW which a new foul sewer would have to cross to achieve a gravity fed discharge. For this reason, we accept that this is not possible and therefore would accept a pumped system on this occasion.

In order to mitigate the potential risk of pump failure causing foul water flooding on the site, we note commitments for the pump to be constructed with 24 hours storage, a backup pump and an alarm system.

As detailed above, McCarthy Stone Management Services will maintain the entire foul water drainage system including the pump and rising main.

Owing to the size of the development according to Sewers for Adoption, a Type 3 station would be required. It is stated that a Dual Pump Package Pumping Station will be installed; the specialist detailed design has not yet been agreed. At Discharge of Condition stage, we will require further details regarding the proposed pump. Evidence that the following information has been considered will be required at DOC stage:

- Confirmation of the proposed service interval for the pumping station.
- A warning system will need to be designed so that the operatives are called to site when the water level in the wet well reaches a specified level. Details of the monitoring system that is proposed for the pumping station will need to be provided. We will need to understand how failure of the pumping station will be communicated to the service engineer. On other sites, an internet-based product has been used to help facilitate emergency maintenance. We request such product details and literature.
- The applicant is requested to provide a specification for a wireless system that will be used to report failures, water high levels or power trips. We request provision of this information including technical product details
- The applicant will need to present details of a contractor who can attend site to maintain the pump on any day of the year, including Bank Holidays. If this is not possible then extra storage may be required.
- Provision of a full drawing showing where the required storage will be provided.
- The pumping station is controlled by float switches. It is common practice for the High-Level Alarm to be higher than the highest float switch. The Applicant should clarify the levels of the following:
  - High Level Alarm (sends alarm to maintenance company)
  - Outlet pipe from Package Treatment Plant into pumping station
  - Cover Level of Pumping Station

It has been confirmed that the pumping station will be sited at least 15m from habitable buildings, as required. We understand that there is vehicular access to reach the pumping station for maintenance purposes and for access in the event of pump failure.

### **Overall Comment**

In principle we hold no objection to the proposed development. Should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- Evidence that the required easement for the headwall construction in the watercourse for the surface water discharge has been obtained as this is a Herefordshire Council asset.
- Clarification of further details regarding the proposed foul water pumping station in line with the above advice.

4.16 **Public Right of Way** (*Comments dated 3 November 2022*)

No objection.

4.17 **Public Right of Way** (*Comments dated 17 May 2023*)

No objection.

4.18 **Waste** (*Comments dated 17 October 2022*)

The area is accessed currently by a 26 tonne refuse collection vehicle (RCV). In order for the RCV to travel the private road it would need to meet the specification for adoptable roads as specified in “Highways Design Guide for New Developments” and “Highways Specification for New Developments”. A risk assessment would also need to be passed.

Alternatively, a suitable site needs to be identified for the placement of all bins on collection day, in accordance with ‘Guidance Notes for storage and collection of domestic refuse and recycling’. A hard standing to one side of the entrance to the development would benefit the positioning of bins on collection day.

If road is accessible then collections can take place from the proposed bin store provided – The path width from the bin store to where the collection vehicle would likely park (thought to be adjacent to the bin store in the development car park, marked with red cross) should be at least 1500mm in width

A sufficient dropped curb should be present in this area to allow for the safe manoeuvring of large bulk bins (suggested location highlighted in yellow)



4.19 **Minerals and Waste Officer** (*Comments dated 3 October 2023*)

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

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

## Resource Management

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

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

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

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

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

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

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

### 4.20 **Open Spaces Planning Officer** (Comments dated February 2023)

#### Open Space Requirements.

Relevant Policies: In this instance the following national and local planning policies for the provision of open space arising from this development are relevant.

National Planning Policy Framework (NPPF):

- Paragraph 98: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

- Paragraph 99: Open Space and Recreation: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

#### Core Strategy (CS)

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space needs
- OS3: Loss of Open Space
- LD3: Green Infrastructure

#### Loss of Green Space

Since providing pre-application comments Ledbury NDP Review Reg 16 has been produced - 27 September 2022. Reg 16 plans can be afforded some weight and as such Policy CL2.1 Protection of Open and Green Spaces and Playing Fields, should be considered in relation to this proposal.

Policy CL2.1 seeks to protect important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury and in accordance with Herefordshire Local Plan Core Strategy policies OS3 and LD3 (or any successor policies) and as shown on Ledbury Town Policies Map (11) which includes the proposed site. The site is known locally as Robinsons Meadow and is not publically accessible. It falls within Local Strategic Corridor 1 (LedLSC1) one of the green corridors detailed in Appendix 2 of the Ledbury NDP. As such CL2.1 policy affords Robinsons Meadow protection from development as it considered to be an important green space when judged against the following criteria:

- It provides wildlife corridors or stepping-stones within built up areas.
- It contributes in other important ways to the objectives for green infrastructure set out in Appendix 2 of the Ledbury NDP: These include
  - Retention of the level of green infrastructure including in association with open spaces that lie within or just outside the corridor.
  - Seeking the replacement of and green space lost to at least equal wildlife and residential amenity value.
  - Reinstatement of the protection offered to areas of green space that was shown as such in the former Herefordshire UDP which included this site.

At reg 16 the policy can only be afforded some weight but none-the-less, both CS Policy OS3 which seeks to resist development that would result in the loss of open space that would result in the “thinning out”, fragmentation or isolation of a site which is part of a green infrastructure corridor and CS Policy LD3 which requires development proposals to protect existing green infrastructure should be considered. The proposal will result in the loss of an important green space which forms part of a wider green infrastructure network as demonstrated above and no replacement is proposed.

#### On site open space:

Notwithstanding my comments above, the proposed development of a residential care home will require on-site accessible open space for use by the residents but there are no set standards. In accordance with Core Strategy Policy OS1 there is a requirement for residential institutions such as care homes, to provide on-site amenity green space, but this should be according to the needs of residents using the accommodation. Ledbury Neighbourhood Plan Policy HO3.1 does not specify that the open space requirements arising from this type of residential development.



The Landscape Layout Plan drawing no. MI-2822-03-LA-4195-101F shows areas of proposed open spaces in detail. This includes a variety of landscaped areas to include ornamental planting, trees, grassed areas, and planters as well as retaining existing trees and hedgerow. It is noted that seating areas are proposed in the courtyard and a circular seating area to the front of the building as focal meeting points. My only comment would be more seating and wheelchair friendly pathways could be provided within the boundary landscaped areas to encourage more use of these areas by the residents.

**4.21 Housing Development Officer** (*Comments dated 22 November 2022*)

Thank you for allowing me the opportunity to comment on the above planning application. I would advise that the delivery of 53 units will contribute to Policy SS2 of the CS – Delivering new homes. The current and emerging neighbourhood development plan supports the delivery of housing for the elderly and the proposed mix of 1 and 2 bed units will go towards meeting that need.

However, I am unable to fully support the scheme as it is not fully policy compliant as the current proposals do not provide 40% affordable homes.

The applicant would need to provide 21 units for affordable housing and this should be as affordable homeownership by way of discounted and low cost market. I would look for a mix of 1 and 2 bed units.

I understand the applicant has submitted a viability assessment, but until the process is finalised and independent confirmation has been received that it is not viable to provide affordable housing on site, I am unable to remove my objection.

**4.22 Housing Development Officer** (*Comments dated 30 May 2023*)

My comments remain unchanged as per my memo dated 22<sup>nd</sup> November 2022

**4.23 Environmental Health Officer – Contaminated Land** (*Comments dated 25 January 2023*)

I refer to the above application and would make the following comments in relation to contaminated land and human health issues only.

"Phase 2 Site Appraisal, The Homend Ledbury." Prepared by Patrick Parsons, Ref:B20311- THL-PPC-00-XX-RP-G-0002-Rev02. 04-01-2[3] (typo on report date).

Although largely acceptable and considered free from significant contamination, the report has identified a minor elevated concentration of lead at the site. This area has not been accurately delineated to date, which is recognised in various sections of the report. Whilst no remediation is recommended this conclusion is based on an assumption that the extent of lead either lies within an area of hardstanding or would be recognised during works on site.

In our view, an addendum to the site investigation would be a more precautionary and appropriate approach to delineating the area of impacted soils. This addendum would also offer the opportunity to more fully assess the part of the development site in the north west at Greenacres. Whilst it is accepted the current use is residential and of low risk for what's proposed, quantitative assessment of ground conditions here would be useful in addressing this minor uncertainty.

With the above in mind, I'd recommend the condition below be appended to any approval with an understanding Part 1 has been largely satisfied other than the above.

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

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

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

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

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework. 2. The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

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

Reason: In the interests of human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

#### 4.24 **Environmental Health Officer – Noise and Nuisance** (*Comments dated 20 April 2023*)

My comments are from a noise nuisance perspective. Due to the location of the proposed site, I request that the following conditions are added to any permissions granted:

The applicant should provide a Construction Management Plan prior to the commencement of works. This Plan should be agreed by the Local Planning Authority. This shall include proposed hours of working\* and deliveries to site, noise and dust control and a communications strategy with local residents.

\*Activities that are likely to affect residents will normally be subjected to working hours restrictions. Permitted hours for site work will normally therefore be the following:

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working permitted on Sundays or Bank Holidays.

This planning application is supported by a noise report which recommends the use of acoustic glazing to habitable rooms to reduce the noise impact to acceptable levels, and the provision of acoustic fencing along parts of the southern and eastern boundary. The mitigation scheme

recommended in the noise report accompanying the application must be implemented to protect future occupants. Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.

## 5. Representations

### 5.1 Ledbury Town Council (*Comments dated 14 November 2022*)

Ledbury Town Council has provided several consultation responses in respect of the application (14 November 2022, 12 January 2023 and 8 June 2023). The reports can be viewed via the following link ([Planning Search – Herefordshire Council](#)), but the concerns raised can be summarised as follows:

- Object to the proposal;
- Recognise NDP identifies a need for local, affordable housing and in particular, housing for the elderly will be supported but this is on the proviso complies with other policies;
- Negative ecological impact including biodiversity impact and loss of green space;
- The site is designated green space – part of green infrastructure corridor in the recently reviewed NDP;
- Map on Page 52 and the yellow circle shows the location of the proposed development among the designated green spaces.
- Map 6 on Page 54 of the NDP shows the location of Local Strategic Corridor 1 (LedLSC1) and the proposed development lying within it;
- Appendix 2 sets out the objectives for this corridor;
- Community has a clear and overwhelming desire to protect the existing wildlife habitats and level of green space in the town;
- Policy CL2.1 Protection of Open and Green Spaces and Playing Fields – Map 11 of NDP. Policy states - Important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury, or any existing playing fields shown on the Ledbury Town Policies Map (Map 11) will be protected in accordance with Herefordshire Local Plan Core Strategy policies OS3 and LD3.
- LTC comments highlight typical reasons to include sites like that proposed:
  - It represents a historic element within the origins or development of the settlement or area.
  - It provides wildlife corridors or stepping-stones within built up areas.
  - It contributes in other important ways to the objectives for green infrastructure
- LTC consider that due to the mass and scale of the building, it is in contravention of the above;
- Such spaces will be afforded protection whether or not there is public access to them;
- Failure to maintain, enhance and increase existing open spaces, trees and hedgerows in order to promote and support wildlife and biodiversity;
- Proposal does not comply with Policy NE1.1 and LD2 – no evidence of biodiversity net gain;
- Failure to comply with NDP design policies and local distinctiveness – including Mass, scale and height of the building – BE1.1 Design and SD1.3. Not sympathetic to local style;
- Contrary to SS6 – Environmental quality and local distinctiveness;
- Potential traffic and access issues including Knapp Lane junction and parking on the Homend – Policies MT1, TR1.1 and TR1.2;
- Exceeds housing density policy HO2.2 and not policy compliant on building height.
- Developer failed to take up the opportunities available after the August 2022 meeting;
- A scaled down proposal that meets NDP criteria, that is more creative in terms of mitigating habitat loss and can demonstrate significant greater biodiversity net gain, which addresses access concerns is much more likely to receive a favourable reception;

- As it stands, LTC find the proposal unacceptable on all the grounds outlined in their response.

## 5.2 **Ledbury Area Cycle Forum** (*Comments undated*)

Full comments can be viewed via the following link ([Planning Search – Herefordshire Council](#)). In summary an objection is raised to the proposed development, concerns raised can be summarised as follows:

- Principal objection is road safety – this stretch of the Homend already unacceptably congested and difficult for cycles to negotiate;
- Access to the development, so close to the chaos of the Knapp Lane junction will exacerbate the conflict on this approach to the station and will serve to discourage inexperienced and less confident cyclists from sustainable travel choices;
- Additional objection is inadequate cycle storage and parking at the development. As well as the less mobile, the ‘Retirement Living’ units will appeal to those active elderly seeking to downsize from high-upkeep homes to gain more free time. Those who enjoy regular cycling often continue well into their 80s, especially with the advent of e-bikes. Indeed, it is highly likely that all cycle ownership at the development will be high-value ebikes that need a fully secure storage space. The provision of only two cycle storage spaces for 53 units is wholly inadequate. This storage area is to be shared with 7 mobility buggies. This buggy space is also wholly inadequate provision for 53 units. Without better storage for cycles and buggies, residents will be deprived of sustainable travel choices. In addition, there is no provision for cycle parking for visitors: relatives, friends and service staff (cleaners, carers etc).
- National and local planning policies listed below, seek to encourage active travel. The development proposals contravene the following:
  - National Planning Policy Framework 2019: promoting sustainable transport
  - Herefordshire Core Strategy: SS4 – developments ‘to be designed and located to minimise the impacts on the transport network....and to ensure that the efficient and safe operation of the transport network are not detrimentally impacted.’ Herefordshire Council to safeguard .....cycle links to transport hubs.
  - MT1- the promotion of highway safety and active travel, and the provision of sufficient cycle storage at new developments.
  - SD1: the provision of sufficient cycle storage.
  - Herefordshire Council’s Climate Emergency policy
  - Herefordshire Council’s Carbon Reduction Strategy
  - Department for Transport ‘Gear Change – a bold vision for cycling and walking’ that states that cycling should become the transport of choice for local journeys.
  - D f T Local Transport Note 1/20
  - The Highway Code 2022 The encouragement of sustainable travel choices is key to compliance with the above

## 5.3 **Footpath Secretary Leadon Vale Group, Ramblers Association** (*Comments dated 19 November 2022*)

No objection

## 5.4 **Public Representations:** Public consultation responses can be viewed on the Council’s website by using the following link:-

[Planning Search – Herefordshire Council](#)

5.5 3 formal consultation periods have taken place in respect of the application. A total of 23 objections have been received, 4 comments in support and 2 which are considered non-committal.

5.6 Concerns raised can be summarised as follows:

- Proposed access arrangements, highway safety, existing issues on this part of the Homend and Knapp Lane junction;
- Pedestrian safety;
- Lack of parking provision, underestimation as to what is required. Displaced parking as a result of the proposed development on surrounding roads and existing parking displacement issues associated with train station and impact of those parked cars on The Homend;
- Scale, design and mass of the building – design lacks character and does not fit with area;
- Overdevelopment and density;
- No attempt to reduce/justify the scale;
- Increase in noise and disturbance, loss of privacy, increase in overlooking including impacts from proposed balconies;
- Effect on character of the area and listed buildings;
- Loss of open and green space – one of the few remaining spaces in Ledbury;
- Biodiversity impacts of the proposal, impacts on wildlife;
- Removal of trees, hedgerow removal;
- Pond on site not shown on drawings;
- Width of corridors within the building;
- Site design, extensive retaining walls;
- Acknowledgement of improvement in revised scheme – roof line improved and less monolithic;
- Construction impacts;
- Impact on local services, lack of affordable housing and community support;
- Environmental impacts;
- Minimal impact from the Homend but not from Robinson's Meadow or Newbury Park;
- Impact on privacy, particularly in winter months.

5.7 Comments in support can be summarised as follows:

- Ledbury has a large elderly population and there is little dedicated housing;
- Could release much needed additional housing to younger population;
- Brownfield site;
- Ideal location within few minutes walk of shops, train stations, bus stops.

## 6. Officer's Appraisal

### Policy context

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."*

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the reviewed Ledbury Neighbourhood Development Plan.

6.3 The National Planning Policy Framework is a significant material consideration.

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and Paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating. A decision was taken to prepare a new local plan in November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any applications. In this case the relevant Core Strategy policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.
- 6.5 Core Strategy Policy SS1 identifies a presumption in favour of sustainable development. This means, when considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.
- 6.6 Paragraph 11 of the National Planning Policy Framework requires plans and decisions should apply a presumption in favour of sustainable development and for decision-taking, this means:
- 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 planning policies most important for determining the application are out-of-date, granting planning permission unless:
    - i. the application of policies in this Framework that protects areas of 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.
- 6.7 It is noted Herefordshire Council currently has a five year housing supply (5.84 years).

### **Principle of Development**

- 6.8 Applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. As set out Core Strategy Policy SD1 identifies a presumption in favour of sustainable development which echoes that within Paragraph 11 of the NPPF.
- 6.9 Core Strategy Policy SD2 relates to delivering new homes and establishes the overarching requirement for the delivery of homes in Herefordshire within the 2011-2031 plan period. The policy identifies Hereford as the main focus for housing development. Outside Hereford, the main focus for residential development is within the market towns, including Ledbury.
- 6.10 The supporting text to Policy SS2 identifies amongst other things, a growing need for suitable homes for older people to live independently, as well as for specialist housing with extra care.
- 6.11 Core Strategy Policy LB1 relates specifically to Ledbury. The policy identifies Ledbury will accommodate a minimum of 800 new homes. The majority of development will take place through a single urban extension, with further development secured through existing commitments, infill development and sites allocated through the NDP.
- 6.12 Policy LB1 lists specific circumstances where development proposals will be encouraged. As relevant to this site, this includes where they improve accessibility within Ledbury by walking, cycling and public transport. Additionally, through proposals that protect and enhance green

infrastructure, reflect and enhance the characteristic built forms of Ledbury and have demonstrated community involvement.

- 6.13 Ledbury Neighbourhood Development Plan, at Paragraph 1.9 provides specific commentary on housing. It identifies Ledbury as a popular place to retire to and according to the 2011 Census, 25% of the population is over 65. In context this is more than 4% of the County's average.
- 6.14 NDP Policy SD1.1 is titled Ledbury as Self Sustaining Community and offers support for proposals which promote a reduction in dependency of the private car and encourage environmentally sustainable travel habits. Policy SD1.2 identifies a settlement boundary for the town which will be the focus for development. Policy HO3.1 provides specific policy support for housing for the elderly providing other policies are complied with.
- 6.15 Policy CL2.1 of the NDP relates to the protection of open and green spaces and playing fields and reads as follows:

Important open or green spaces which contribute to the distinctive spatial character, form, pattern and green infrastructure of Ledbury offer variously the following benefits:

- a) It provides relief within an otherwise built-up frontage or within developments.
- b) It creates and maintains a well-defined edge to the settlement.
- c) It provides a buffer between incompatible uses.
- d) It provides important views into or out of settlements and of attractive buildings and their settings, or of attractive landscapes.
- e) It provides an important amenity of value to the local community.
- f) It represents a familiar or distinctive element within an attractive street scene.
- g) It represents a historic element within the origins or development of the settlement or area.
- h) It provides wildlife corridors or stepping-stones within built up areas.
- i) It contributes in other important ways to the objectives for green infrastructure set out in Appendix 2.
- j) It is a playing field or other formal recreational facility.

Open and green space as shown on Map 11 is to be protected and maintained and loss of the space will only be permitted if it can be shown to be surplus to requirements for recreational purposes or the value of its visual, historic and community attributes is considered to be outweighed by the benefits of development.

- 6.16 The application site is located within the settlement boundary for Ledbury. Whilst within the settlement boundary, the site is identified within Map 11 of the NDP and therefore the provisions of Policy CL2.1 as set out above apply. A link to Map 11 of the NDP is provided - [Ledbury Neighbourhood Development Plan \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/ledbury-neighbourhood-development-plan).
- 6.17 The Open Spaces Planning Officer has been consulted. The comments draw attention to the wider considerations in terms of loss of open space, including within the Core Strategy and NPPF. The consultation response also notes that since providing pre-application advice, Ledbury NDP Reg 16 has been produced. On this matter, the plan has since also progressed beyond Reg 16 and is now made.
- 6.18 By way of context, the Regulation 14 version of the Ledbury NDP was submitted to the Council on 5 February 2022, Regulation 16 submission version submitted on 27 September 2022 and the NDP made on 13 June 2023. A formal pre-application was received by the local planning authority in June 2022 in respect of the development proposals. At the time of the assessment of the pre-application (Ref: 221951/CE) the site was not included in the Regulation 14 Draft Plan Stage within Policy CL2. The site was an addition to Policy CL2.1 in the Regulation 16 Plan Stage and the made version of the plan. Both the applicant and Ledbury Town Council have made

submissions as part of the current application in connection with this, but in terms of the assessment of the application, the plan is made and carries full weight.

- 6.19 Core Strategy OS3 seeks to resist development that would result in the loss of open space, sports or recreation facilities that would result in the “thinning out”, fragmentation or isolation of a site which is part of a green infrastructure corridor. CS Policy LD3 requires development proposals to protect existing green infrastructure.
- 6.20 Paragraph 99 of the NPPF requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 6.21 Policies contained within the Core Strategy and NPPF are of relevance, however, the site is allocated through Policy CL2.1 of the NDP and specific assessment criteria are identified within the policy. Policy CL2.1 is therefore considered the key policy in terms of assessing the principle of development. Policy CL2.1 does not preclude development of any highlighted land on Map 5 or Map 11 if the criteria outlined within the policy are met.
- 6.22 The policy reads in two steps. Firstly, there are the list of benefits a) to j) which apply variously to important open or green spaces as identified in Map 11. The second part of the policy states those areas identified on Map 11 are to be protected and maintained, but sets out circumstances whereby the loss is considered to be outweighed by the benefits.
- 6.23 Policy CL2.1 does not explicitly reference which benefit applies to each individual site and uses the terminology variously. In order to consider the application against the criteria set out in Policy CL2.1 an assessment of each of the specific benefits listed is considered the appropriate starting point which has been undertaken below:
- a) It is not considered the site plays a required spatial role in providing relief within an otherwise built-up frontage or within developments.
  - b) The site is not assessed as creating and maintaining a well-defined edge to the settlement.
  - c) The site is not considered to provide a required buffer between incompatible uses.
  - d) It is not considered to provide important views into or out of settlements and of attractive buildings and their settings, or of attractive landscapes.
  - e) The site is not publicly accessible and dense boundary vegetation mean it is not visible from the public realm;
  - f) It is not considered to represent a familiar or distinctive element within an attractive street scene;
  - g) The site is not known to represent a historic element within the origins or development of the settlement.
  - h) The site does fall within a built up area and could be considered to provide a wildlife corridor or ‘stepping stone’. Ledbury Town Council reference this within their responses. A more detailed assessment of the ecological and biodiversity impacts of the proposal is undertaken in the relevant section of this report, but for the purposes of assessing the overall principle of the development, it is noted the Council’s Ecology Officer does not object to the application proposals on this site;
  - i) Based on Appendix 2 and Map 6 of the NDP the site falls within LSC1. The objectives for this local strategic corridor are as follows:

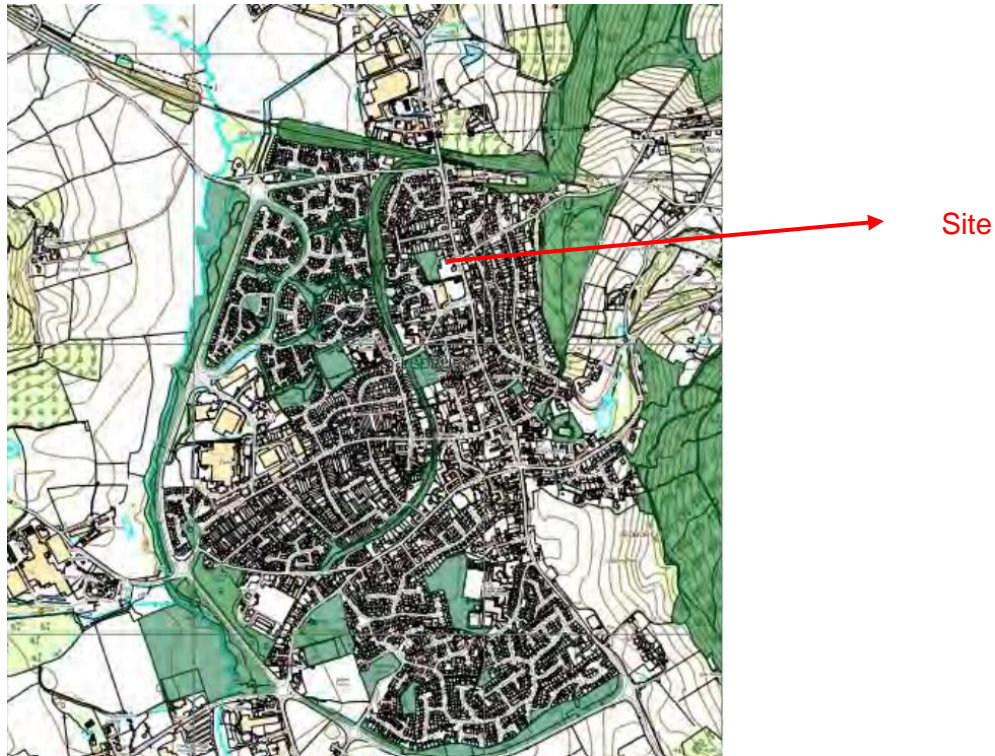


- Retain the level of green infrastructure and enhance it where opportunities present themselves, including in association with open spaces that lie within or just outside the corridor.
- Maintain and enhance the Town Trail as a continuous green space and improve the Recreation Ground which it passes through. •
- Manage the Town Trail and other green spaces in the town centre to support wildlife and biodiversity.
- Improve the surface of the trail for shared use by removing vegetation, re-surfacing and widening of the path for shared use.
- Encourage appropriate tree, shrub and other garden planting for wildlife.
- Seek replacement of and green space lost to at least equal wildlife and residential amenity value.
- Reinstate the protection offered to areas of woodland and other green space that was shown as such in the former Herefordshire UDP.

As per the (h) above the Ecology Officer does not raise an objection to the scheme based on the proposals in terms of ecology and biodiversity net gain.

j) The site is not a playing field or other formal recreational facility.

- 6.24 As discussed above, the second part of the policy states open and green space as shown on Map 11 is to be protected and maintained and loss of the space will only be permitted if it can be shown to be surplus to requirements for recreational purposes or the value of its visual, historic and community attributes is considered to be outweighed by the benefits of development.
- 6.25 The site does not have a recreational purpose. It forms part of the private grounds of an existing residential property (The Knapp) and is not publicly accessible. Ledbury Town Council's comments regarding public accessibility are noted.
- 6.26 In terms of its visual attributes, the site is heavily screened by mature trees along the boundary (an average of 15 metres in height). Due to the boundary screening, the site is not visible from the public realm. It can be viewed from private gardens and residential development which backs onto the site, but it is not considered to provide a required visual value.
- 6.27 In respect of historic value, the site is recognised as having some historic value through its associations with the Knapp. The submitted Heritage Appraisal concludes the development will have no impact on the setting of the nearby designated heritage assets, including the Ledbury Conservation Area or The Knapp as a non-designated heritage asset. The Building Conservation Officer raises no objections to the scheme.
- 6.28 Finally, in terms of its community attributes, as already discussed, the site is within the private grounds of the Knapp, is densely screened from wider public view and has no public access or use.
- 6.29 Having assessed the site against the specific criteria (a to j) referenced within Policy CL2.1, the next step as set out by the policy is consider the benefits of the scheme as set out in the latter section of the policy.
- 6.30 In respect of Core Strategy Policy OS3, it is not considered the proposal would result in fragmentation or isolation of a site which is part of a green infrastructure corridor. Below is an extract of the LSC1 Corridor Map (Map 5 – Key Areas of Open and Green Space from within the NDP). The site is already removed from the main part of the corridor. Whilst a large building is proposed on the site, the proposals would retain green infrastructure and planting around the building. The submitted documentation demonstrates biodiversity net gain will be achieved.



- 6.31 In conclusion, the site is subject to an allocation for Open, Green Spaces and Playing Fields by virtue of its inclusion within Map 11 of the NDP. As discussed, the policy does not preclude development. It sets out the various benefits applicable to land included within Map 11, identifying relevant land is to be protected and maintained and establishes criteria upon which its loss will be permitted. This involves assessment as to whether the benefits of the development outweigh visual, historic and community attributes of a site.
- 6.32 In terms of the benefits, the application site is located in a highly sustainable location. It is within the settlement boundary and immediately adjacent to services and facilities available within the town. CS Policy LB1 and NDP Policy SD1.1 offer support for proposals which promote reduction in car dependency and encourage environmentally sustainable travel modes. The proposals would contribute to those wider aims.
- 6.33 The proposed development would provide specialist elderly residential accommodation in an area which is identified as having a higher population over 65 than the county average. The NDP identifies increased support for housing for the elderly and also the young. Policy HO3.1 supports proposals for retirement homes provided they comply with other policies. Accompanying Paragraph 6.12 recognises it is important to ensure the right type of housing is available for Ledbury's ageing population. Paragraph 6.13 also states new homes for elderly people should provide easier access to centrally located health and support services, ensuring easy access to all communities.
- 6.34 The proposals also include a small element of employment and the introduction of additional residential population within the town centre, making a contribution to the local economy.
- 6.35 In respect of the biodiversity and green infrastructure elements of Policy CL2.1, the scheme would retain existing green infrastructure at the perimeter of the site and proposes additional new planting as part of a detailed landscaping scheme. The submitted documentation also demonstrates biodiversity net gain is achieved.

- 6.36 On the basis of the above assessment, in this case, it is considered the benefits of the proposed development do outweigh the visual, historic and community attributes and therefore the requirements established through NDP Policy CL2.1 are met.

## Heritage

- 6.37 The Planning (Listed Buildings and Conservation Areas) Act 1990 states *“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.”*
- 6.38 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines that when considering any planning application in a conservation area, a local planning authority must pay special attention to the desirability of preserving or enhancing the character of appearance of that area.
- 6.39 Core Strategy Policy SS6 is a strategic policy relating to environmental quality and local distinctiveness. The policy outlines development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, and notes heritage assets and specifically those with environmental designations.
- 6.40 Core Strategy Policy LD4 of the Core Strategy requires that development proposals protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance. Additionally, to contribute to the character and local distinctiveness of the townscape or wider environment, especially within Conservation Areas.
- 6.41 Ledbury NDP Policy BE2.1 relates to protecting and enhancing heritage assets. At part c) the policy states development should conserve and enhance the features and settings of listed buildings and other local heritage assets as appropriate to their heritage importance. Part d) seeks to ensure every effort is made to conserve and enhance the character or appearance of Ledbury Conservation Area. The policy states, where appropriate, Heritage Impact Assessments should be undertaken to inform development proposals.
- 6.42 The National Planning Policy Framework also includes guidance in terms assessing impact of proposals on designated and non-designated heritage assets. Paragraph 194 sets out that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset’s significance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 195 identifies local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraph 197 goes onto advise, in determining applications, local planning authorities should take account of a) the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness, amongst other things.
- 6.43 The Framework then goes onto advise as to how to consider potential impacts. Paragraph 199 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (the more important the asset is, the greater the weight should be). Paragraph 200 outlines any harm to or loss of a designated heritage asset should require clear and convincing justification. Paragraph 201 deals with considering proposals which would lead to substantial harm. Paragraph 202 relates to less than substantial harm to a designated heritage asset and sets out the harm should be weighed against the public benefits. Paragraph 203 relates to non-designated heritage assets and confirms the effect of an application on the significance of a non-designated heritage asset

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss to the significance of the heritage asset.

- 6.44 The site is not within the Ledbury Conservation Area. There are also no listed buildings within or immediately adjacent to the application site.
- 6.45 In line with the NPPF, the application is accompanied by a detailed Heritage Assessment undertaken by Cotswold Archaeology. The assessment has been undertaken in connection with the application proposals and considers all elements of the historic environment.
- 6.46 The Heritage Assessment confirms the site lies outside of the medieval core of Ledbury Town. The Knapp, which is a private house constructed in 1878 and adjacent to the site could be considered a non-designated heritage asset. The Knapp's significance is considered to derive from its historical associations with John Masefield, poet Laureate from 1930 to 1967. As set out, there are no listed buildings within or adjacent to the application site. Three Grade II listed buildings are located within 70m of the site (Oakland Lodge, Oakland House and Home Lawn). The Conservation Area is located approximately 100m south of the site.
- 6.47 No overriding heritage constraints are identified within the assessment and its conclusions are that the historical associations contributing to the significance of The Knapp will not be affected by the proposal, nor will the setting of the nearby listed buildings or the Ledbury Conservation Area.
- 6.48 The Council's Building Conservation Officer has been involved in this application at both pre-application stage and during the course of this application. No specific heritage objections have been raised with advice provided relating to matters of design which will be discussed separately. Officers concur with the assessment undertaken within the Heritage Appraisal in terms of the impact of the development and consider any impact on the conservation area, listed buildings or The Knapp would be neutral.
- 6.49 In light of the assessments undertaken both within the Heritage Appraisal and by officers as part of the consideration of the heritage impacts of the proposals, the application is considered to accord with the listed legislative, policy and guidance with regards to the historic environment.

### **Design, Layout, Appearance**

- 6.50 Core Strategy Policy SD1 relates to sustainable design and energy efficiency. The policy requires development proposals to create safe, sustainable, well integrated environments for all members of the community.
- 6.51 The policy stipulates various requirements development proposals should incorporate which include (as relevant to matters of design for this application):
- ensuring development proposals make efficient use of land, taking into the local context and site characteristics;
  - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area, including, where appropriate, through innovative design;
  - Utilise physical sustainability measures – including orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling and enabling renewable energy;
  - Create safe and accessible environments – minimise opportunities for crime and consider fire safety measures;
  - Ensuring design can be easily adapted; and

- Utilise sustainable construction methods which minimise the use of non-renewable resources;
- 6.52 Policies HO2.2, HO2.3 and BE1.1 of the Ledbury Neighbourhood Development Plan are also of relevance in assessing design. HO2.2 requires density to respect its surroundings through good design which responds positively to local character. Housing density is stipulated at between 30-50 dph, with housing densities at the higher end of this range within and towards the town centre.
- 6.53 HO2.3 sets out design criteria for residential development. As relevant to this application, the policy seeks to ensure a high and inclusive standard of architecture, scale, massing, proportion, materials, colour and roof profile should relate to characteristic built forms of Ledbury. Ridge heights should be consistent with the heights of nearby properties and only more than 2.5 storeys where it can be shown to fit sensitively into townscape.
- 6.54 Policy BE1.1 also relates to design and requires development to demonstrate it is sympathetic to the character and appearance of Ledbury.
- 6.55 The development involves the demolition of an existing bungalow known as 'Greenacres'. The existing bungalow is of no particular architectural merit, although it does sit comfortably alongside the immediately adjacent dwellings on The Homend. The loss of the bungalow and creation of a new access does not present any specific design concerns.
- 6.56 The Council's Landscape, Tree Officer and Building Conservation Officer have been involved in assessing and providing feedback at both pre-application stage and in a design meeting held in response to the originally submitted application drawings. Officers raised particular concerns in respect of scale, massing and architectural approach. The mock tudor pastiche design approach was considered particularly poor.
- 6.57 In response to feedback on the original full planning application proposals, the footprint, layout, scale, massing and architectural approach has been amended through a re-design of the scheme. The Building Conservation Officer and Landscape Officer both recognise the design is significantly improved on that initially presented.
- 6.58 It is noted a number of objections have been received raising concerns in connection with the layout, scale and design of the scheme including from the Town Council. There is also some recognition of the positive design changes.
- 6.59 Concerns raised by LTC and local residents in respect of the current scheme are noted. The proposed building is large in terms of its scale and massing, and is greater in scale and mass than nearby buildings. That said, each planning application is to be assessed on its own merits and the site is characteristically very different to sites within the locality. The levels fall significantly from the Homend. The rear part of the site, where the building is proposed to be sited is set at a much lower level than The Homend. The submitted visually verified images demonstrate the height of the development will appear comparable to adjacent buildings when viewed from the Homend.
- 6.60 Furthermore, the submitted documentation demonstrates the building will not be viewed in context of surrounding development, due to the extensive boundary screening. It is noted current screening is not a reason to set aside design considerations, but the levels of the site, position of the building within the site with generous distances to boundaries and the surrounding context to the south (Tesco) are such that it is not considered the building would be incongruous in terms of layout, scale and massing.
- 6.61 Concerns have been raised regarding density in light of NDP Policy HO2.2. At 53 dwellings per hectare, the development is marginally above that range. However, the policy states density should be higher towards and within the town centre. The development is within close proximity

of the town centre and a density of the number of units proposed is considered appropriate in that context and bearing in mind, the scheme is also for apartments, which are to be set with generous landscaped gardens retaining a sense of space surrounding the development. Paragraph 119 of the NPPF recognises the need to promote effective use of land in meeting the need for homes, while safeguarding and improving the environment and healthy living conditions.

- 6.62 In terms of concerns regarding the ridge height in connection with Policy HO2.3, the policy stipulates, as appropriate, ridge heights should be consistent with the height of nearby buildings and only more than 2.5 storeys where this can be shown to fit sensitively into townscape, setting of AONB and the historic environment. The development would not affect the setting of the AONB or the historic environment for the reasons discussed elsewhere in this report. Based on the site's context and the supporting documentation, the scale in the context of this site is considered to be justified.
- 6.63 Finally, in terms of the overall design approach, efforts have been made to reflect local character. The mock tudor approach sought to do this, but in officers view did so in an unacceptable pastiche manner. The revised proposal is more contemporary, but is considered to suitably reflect architectural detailing in the local area through pitched roofs, projecting gables and chimneys. The scale and mass of the building has also been broken up through the layout of the building, architectural detailing and use of materials, albeit remains as one single building.
- 6.64 To summarise in respect of design, the building is large in terms of its scale and mass. But, given the specific characteristics of the site, its context and the significant improvements made to the design of the scheme, it is considered the overall requirements in terms of design are achieved.

## **Landscape and Trees**

- 6.65 Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness, including its settlement pattern, biodiversity and especially those with designations.
- 6.66 CS Policy LB1 relates specifically to Ledbury and amongst other things, seeks to ensure proposals protect and enhance its green infrastructure, including connections to the public right of way network and biodiversity, placing particular emphasis of the AONB and Leadon Valley.
- 6.67 CS Policy LD1 deals directly with landscape and townscape and identifies proposals should:
- Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, 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 AONBs, nationally and locally designated parks and gardens and conservation areas;
  - Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
  - Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.68 Core Strategy Policy LD3 relates to green infrastructure. Development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:

1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
  2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
  3. Integration with, and connection to, the surrounding green infrastructure network.
- 6.69 NDP Policy NE1.1 relates to protecting and enhancing biodiversity, geodiversity and green infrastructure. The policy supports the conservation, recovery and enhancement of biodiversity and geodiversity and seeks to achieve at least the required level of biodiversity net gain, through measures that (not exhaustive) a) contribute towards the wider ecological network, biodiversity, green infrastructure and network of local wildlife sites by enhancing ecological conditions and stepping stones. Part c) relates to maintaining the natural qualities of green spaces and provide habitat improvements for areas of green infrastructure identified as strategic corridors utilising the objectives identified in Appendix 2 of the NDP. Those objectives are listed earlier in this report.
- 6.70 NDP Policy NE2.1 relates to landscape and scenic beauty and requires proposals to contribute to the area's landscape character and not adversely affect it. The policy also notes landscape works within the existing urban area should maintain and if possible improve the street scene and be of high quality. Tree planning should be in line with arboricultural best practice.
- 6.71 NDP Policy CL2.1 falls within the community and leisure section of the plan, but as set out earlier in this report contains elements in relation to green infrastructure.
- 6.72 The Council's Landscape Officer has been consulted on the proposals in with townscape character, landscape schemes, green infrastructure and trees. The comments provide an overall response recognising additional information has been provided and noting improvements to the design, and sets out the improvements made and remaining concerns which are a matter to be balanced in any planning decision.
- 6.73 The site is not within or adjacent to the Malvern Hills AONB. The Landscape Officer has been consulted. In respect of landscape and townscape, the Landscape Officer confirms the submitted information demonstrates there are very limited views into the site. The elevational treatments and materials are more subtle than the original proposals and more in keeping with the character of Ledbury. The comments acknowledge a landscape layout that would create an attractive setting and a planting plan providing a wide range of species to enhance the site. Existing boundary treatment is to be mostly retained.
- 6.74 Concerns are also raised within the comments, including that the building remains large and in connection with the loss of open space within the built up area of the town. The extent of retaining walls is also a concern which does not work well with the natural character of the site.
- 6.75 The Tree Officer has also provided comments and confirms there are no objections to the development from a tree perspective. The building has been sited away from the southern boundary in response to initial concerns in this respect.
- 6.76 In order to facilitate access to the site, an area of trees are proposed for removal. The submitted tree report identifies those trees as Category C and as such, they are considered low in quality and have a life expectancy of no more than 10 years. The Tree Officer confirms from outside the site, with the retention of boundary green infrastructure and the specimen trees outside the red line, but within the property curtilage, the arboreal and public amenity value will largely remain unchanged. The proposed planting scheme is also considered acceptable, with retained larger species still the dominant features, but the addition of small and medium sized trees which are suitable for the nature of the site. Comments are made in respect of drainage, which is considered acceptable.

- 6.77 The Landscape Officer has confirmed the proposed levels strategy and landscaping plan to be detailed. However, it is acknowledged further information has been requested specifically in connection to details of retaining walls. Representations have also raised this matter. On the basis of the detailed information that has been provided in respect of levels, officers are satisfied this can be dealt with via condition. Although the broader landscape details are acceptable, a Landscape Scheme condition has been recommended, with to also include the elements currently included with the addition of retaining walls and updating any tree information.

## **Ecology and Biodiversity**

- 6.78 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore and enhance biodiversity assets of Herefordshire. Important sites, habitats and species shall be retained and protected in accordance with their status. Relevant guidance and principles are set out within the NPPF at Chapter 15.
- 6.79 NDP Policy NE1.1 is also relevant in connection with ecology and biodiversity consideration and seeks to achieve at least the required level of biodiversity net gain, through measures that (not exhaustive) a) contribute towards the wider ecological network, biodiversity, green infrastructure and network of local wildlife sites by enhancing ecological conditions and stepping stones. Part c) relates to maintaining the natural qualities of green spaces and provide habitat improvements for areas of green infrastructure identified as strategic corridors utilising the objectives identified in Appendix 2 of the NDP. In relation to biodiversity, Appendix 2 sets out an objective to manage green spaces to support wildlife and biodiversity, seek replacement of and green space lost to at least equal wildlife amenity value.
- 6.80 The original submission was accompanied by a Preliminary Ecological Report. The Council's Ecology Officer highlighted the originally submitted report appeared to underestimate the potential importance of this green oasis in an otherwise intensely developed area. A fully detailed specification for biodiversity net gain enhancements was requested. Additional ecology surveys and reports were also requested.
- 6.81 Additional ecology surveys and reports have been submitted in respect of reptiles, bats, great crested newts, badgers and a revised Preliminary Ecology Appraisal.

The Ecology Officer has provided an updated consultation response which is summarised as follows:

- no evidence of use of the existing building proposed for demolition by Bat species, although general bat foraging and commuting is known in the wider locality. A relevant precautionary working method is proposed accompanied by habitat enhancements to support future use by bats.
- A small loss of reptile habitat will result from the proposed development. It is not possible to support the identified small population of Slow Worm on the site during the development process and a relevant translocation plan is proposed. The population was already isolated and translocation is likely to result in a wider and better habitat to support the small breeding population; in addition the grounds of the new development once completed will provide further reptile habitat and recolonization will be possible. A relevant Licence will be required from Natural England to support this translocation process.
- The development will not impact or affect any local populations of Badgers.
- No presence of Great Crested Newts has been identified as being associated with the development site.
- Enhancements to support bird nesting are proposed as part of the development.
- Other Habitat and species enhancements are proposed as part of the wider development and associated grounds-landscaping.



6.82 Conditions are suggested to ensure the recommendations and proposed mitigation, compensation and biodiversity enhancements as detailed in the suite of Ecology Information dated June 2023 are secured in full and include a Construction Environmental Management Plan and a Landscape Environmental (Ecological) Management Plan. Overall, no ecology objection is raised to the proposed development.

## **Flooding and Drainage**

6.83 Policies SD3 and SD4 of the Core Strategy deal with issues relating to sustainable water management, waste water treatment and river quality.

6.84 The application is accompanied by various detail in respect of flooding and drainage. The Lead Local Flood Authority has reviewed the proposals. The latest comments dated July 2023 provide a detailed assessment of the documents and confirm the documentation on which those documents are made which is as follows:

- AMENDED Site Plan – April 2023 (Ref: MI-2822-03-AC-0001 Rev K);
- AMENDED Levels Strategy – April 2023 (Ref: MI-2822-03-DE-100 Rev B);
- AMENDED Drainage Strategy – June 2023 (Ref: MI-2822-03-DE-101 Rev C);
- AMENDED Impermeable Area – April 2023 (Ref: MI-2822-03-DE-103);
- AMENDED Drainage Statement – April 2023 (Fourth Issue);
- AMENDED Flood Risk Assessment – April 2023 (Ref: A01-C05);
- ADDITIONAL Drainage Officer Response Letter – April 2023;
- ADDITIONAL Drainage – Soakaway Assessment – April 2023; and
- AMENDED Design and Access Statement – April 2023.

6.85 The development site is more than 1ha and therefore a Flood Risk Assessment has been submitted. The Flood Risk Assessment confirms the site is wholly located within Flood Zone 1 and there are no records of historic flooding.

6.86 With regards to surface water flood risk, the majority of the site is not at risk, however there are some areas of low risk and medium to low risk as shown in Figure 2 of the Land Drainage comments. The LLFA is satisfied the FRA addresses surface water flood risk posed to the site.

6.87 Ground investigations have been undertaken in respect of surface water drainage and confirm low permeability. Based on the on site ground investigations and proven low permeability of the surrounding area, the LLFA accept surface water discharge to ground is highly unlikely to be viable. The LLFA note the proposals for an attenuated and restricted off site discharge to watercourse located to the southwest of the site and that the proposed outfall is within the site boundary. Management and maintenance of the surface water drainage system would be undertaken by Mc Carthy Stone Management Services even following completion and occupation of the development.

6.88 The foul water proposals are to discharge to Severn Trent public foul sewer located to the east of the site in The Homend. Severn Trent has confirmed it raises no objection to the proposed connection. A pumping station with associated rising main will be required to achieve this discharge.

6.89 The LLFA acknowledges pumped discharges are not favourable but is satisfied the applicant has exhausted all options in respect of gravity fed discharge to the public foul sewer to the south west of the site. The applicant has provided a commitment to a pump with 24 hours storage, a back up pump and alarm system to mitigate any potential risk. Mc Carthy Stone Management Services will maintain the entire foul water drainage system, including pump and rising main. A Type 3 station will be required and details regarding the proposed pump would need to be agreed at discharge of condition stage.

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

6.90 Overall, the LLFA confirms it raises no objection to the proposal but has confirmed detail which would be required by way of conditions. The proposal is considered acceptable in terms of Core Strategy Policies SD3 and SD4.

## **Transportation**

6.91 Core Strategy Policy MT1 relates to traffic management, highway safety and promoting active travel. The policy identifies a number of principle requirements which should be incorporated into proposals. Those relevant to this application include:

- Promote and, where possible incorporate integrated transport connections and supporting infrastructure, including access to services by means other than private motorised transport;
- Encourage travel behaviour through use of travel plans;
- Ensure developments are 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 emergency services;
- Protect existing local and long distance footways, cycleways and bridleways;
- Have regard to the Council's Highway Development Design Guide and cycle and vehicle parking standards, having regard to the location of the site and the need to promote sustainable travel choices.

6.92 Submitted representations raise a number of concerns in connection with transportation. These include the suitability of the proposed access point, existing issues experienced along The Homend and The Knapp, and proximity to the junction with The Knapp. Furthermore, concerns are raised in terms of pedestrian safety, including as a result of footpath widths, displaced parking, level of parking provision and the ability of the site and access to accommodate the traffic movements proposed.

6.93 The Local Highway Authority has reviewed the proposals and accompanying Transport Assessment and assessed the suitability of the proposed access and the vehicular movements associated with the proposal. The LHA comments confirm no objection is raised to the proposed development. The LHA confirm car parking is over and above the maximum provision, but is less than one space per unit.

6.94 The site is sustainably located within easy walking provision to the centre of Ledbury and sustainable travel modes, including bus services and train station. The requirements in terms of CS Policy MT1 are met.

## **Amenity**

6.95 Herefordshire Local Plan Core Strategy SD1 is relevant in assessing amenity impacts of development proposals. The policy requires development to safeguard residential amenity for existing and proposed residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light, or air contamination, land instability or cause ground water pollution.

6.96 Concerns have been raised submitted letters of representation in connection with amenity impacts of the proposals.

6.97 The Council's Contaminated Land Officer has been consulted regarding the proposals and has reviewed the submitted Phase II Site Appraisal. The consultation response provided notes assessment in respect if contamination is largely acceptable but the site is identified as having a minor elevated concentration of lead. As such, a condition is requested requiring further

investigation/potential decontamination, although it is recognised Part 1 of the suggested condition has largely been satisfied.

- 6.98 The Council's Noise and Nuisance Environmental Health Officer has also been consulted and requests a condition is added to any permission granted for a Construction Management Plan to be provided prior to commencement of any works on site in order to ensure nearby residential amenity is protected.
- 6.99 Further amenity considerations in respect of the proposals relate to the scale and siting of the proposed development and that the proposals do not result in an unacceptable loss of light, increase in overlooking, visual or overbearing impacts.
- 6.100 There will be an intensification of residential activity at the application site as a result of the number of residential dwellings proposed and associated activity at the site, movements to and from the site. That in itself is not considered unacceptable, the application site is located within a built up area, close to the town centre and being a residential use, is entirely compatible with adjacent residential land uses.
- 6.101 The proposed building is large and the outlook from Newbury Park in particular will be altered through the proposals. Whilst the existing northern boundary comprises dense tree cover, the rear of properties along Newbury Park can be viewed through gaps in vegetation and the density of vegetation will vary throughout the year. The proposals do involve the retention of existing boundary trees, albeit management and maintenance will be undertaken as set out in the submitted documentation.
- 6.102 Although there will be a change as a result of the proposed building, it is sited fairly centrally within the rear section of the site. The majority of balconies are proposed on the front elevation, with some proposed to the rear and north. Those to the north are relatively small in scale. Based on the scale of the balconies, the distance of the elevations (in particular the north elevation in excess of 22 metres), the levels on the site, extensive existing and proposed tree planting and the built up context, it is not considered the proposal would unacceptably impact in terms of overlooking, loss of light or visual amenity.
- 6.103 The requirements of Core Strategy Policy SD1 in respect of amenity are considered to be met through the development.

### **Waste - Refuse and Recycling**

- 6.104 The Council's Refuse and Recycling team has provided a consultation response confirming options in terms of refuse collection undertaken by the Council.
- 6.105 Bin storage is located within the building itself to prevent occupants having to go outside to put rubbish in bins. A dedicated refuse collection point is shown within the submitted site plan, which is in close proximity to the internal bin store.
- 6.106 The site would be managed by Management Company and therefore it may be refuse and recycling provision is undertaken by a private company. It is considered adequate provision has been made within the layout but a condition has been attached to this recommendation requiring refuse and recycling arrangements to be confirmed prior to occupation.

### **Sustainability and Climate Change**

- 6.107 CS policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures.

- 6.108 Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.109 The proposed development is sustainably located and provides opportunity to utilise a number of sustainable travel modes.
- 6.110 The application is accompanied by an Energy and Sustainability Statement. The applicant has adopted a 'fabric first' approach to building design which involves maximising the performance of components and materials that make up the building fabric itself before considering the use of mechanical or electrical building service systems. This approach can assist in improving energy efficiency and reducing carbon emissions.
- 6.111 The submitted statement highlights the scheme proposes to utilise a good thermal envelope to minimise heat loss, as well as efficient heating and lighting systems. Air source heat pumps are proposed for hot water and a Mechanical Ventilation System with Heat Recovery (MVHR). These are energy efficient, sustainability measures which have been incorporated within the scheme. Photovoltaics are incorporated within the scheme to serve communal areas. The sanitaryware system proposed is in line with the requirements of SD3 (less than 110 litres use per person per day).
- 6.112 The submitted documentation confirms Electric Vehicle Charging Points are proposed for inclusion within the development. Conditions have been included within this recommendation to secure further specification and siting details for EV charging points, alongside details in terms of cycle parking provision.
- 6.113 Overall, the proposed development incorporates a range of sustainability measures and is considered in compliance with CS Policies SS7 and SD1.

### **Minerals and Waste**

- 6.114 The Council is preparing a Minerals and Waste Local Plan (MWLP) to guide mineral extraction and the management of waste in Herefordshire.
- 6.115 The Minerals and Waste Planning Officer has been consulted in respect of the proposals and confirms the site does not raise any issues with regards to the safeguarding of minerals but does involve the construction of a significant major development and will generate significant volumes of construction materials. As such the emerging policy SP1 in the Minerals and Waste Local Plan (MWLP) will need to be addressed.
- 6.116 The planning system has a role to play encouraging the use of secondary or recycled construction materials and preventing waste generation in construction. All development should be designed to increase the potential for recycling waste. The used of materials and waste resources will be directed to contribute positively to addressing climate change.
- 6.117 In accordance with emerging policy SP1 of the Minerals and Waste Local Plan if the application is approved the applicant will be required to produce a Resource Audit to set out end of life considerations for the materials used in the proposed development.
- 6.118 An appropriately worded condition has been suggested to secure the required information.

### **Planning Obligations and Viability**

- 6.119 Core Strategy Policy ID1 relates to infrastructure delivery and identifies provision for new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities. The Planning Obligations Supplementary Planning Document and Affordable Housing Supplementary Planning Document both provide the details of the type and scale of obligations that may apply.
- 6.120 A development of this scale and nature attracts various financial contributions which would need to be secured via a Section 106 Agreement. The provision of affordable housing would also need to be secured via such an agreement.
- 6.121 The Council's Planning Obligations Manager has prepared Draft Heads of Terms setting out the level of contributions and affordable housing provision required in connection with the development based on input from the relevant consultees and Supplementary Planning Document's.
- 6.122 The required contributions are summarised below:
- Affordable housing requirement: 11 x 1 bedroom dwellings and 10 x 2 bedroom dwellings;
  - Transport: £50,195.00;
  - Waste and Recycling: £2,500.60;
  - Libraries: £4,178.00;
  - Health: £11,040.00

**Total - £67,914.00**

- 6.123 The applicant's position is that the scheme is not financially viable to support the payment of financial contributions or the provision of affordable housing.
- 6.124 Paragraph 57 of the National Planning Policy Framework identifies the relevant tests in respect of planning obligations. Paragraph 58 states where up to date policies have set out the contributions from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at application stage.
- 6.125 Paragraph 58 then goes onto explain the weight to be applied to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence is up to date and any change in site circumstances since the plan was brought into force.
- 6.126 The PPG notes some circumstances where viability might be a factor and includes where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people) (007 Reference ID: 10-007-20190509).
- 6.127 The application is accompanied by a Financial Viability Appraisal prepared by Atitlan Consulting with assessment inputs including:
- Scheme Gross Internal Area (GIA) and Site Area;
  - Development Period;
  - Gross Development Value;
  - S106 Contributions;
  - Construction Cost Total'
  - External;
  - Total Construction and External Costs;
  - Abnormal Costs;
  - Professional Fees;
  - Contingency;

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

- Financial Interest Rate;
- Non-recoverable outgoings;
- Other fees (including marketing, open market sales – agency and legal fees);
- Land acquisition cost;
- Profit %;
- Benchmark Land Value; and
- Residual Land Value

6.128 In order to assess the applicant's position regarding viability, the Local Planning Authority formally instructed independent specialist input from the Valuation Office Agency (VOA). The VOA provides the Government valuation advice needed to support taxation and benefits and is an executive agency sponsored by HM Revenue and Customs.

6.129 The full financial appraisal undertaken by the applicant has been made available to the VOA, alongside the Draft Heads of Terms setting out planning contributions required in connection with this development.

6.130 The VOA has undertaken a detailed review of the appraisal and provided a detailed report assessing the position regarding viability

6.131 The VOA's appraisal also provides a market commentary including the current state of the UK economy, economist's forecasts in terms of recession, interest rates and external factors currently impacting the market.

6.132 The VOA Officer has concluded as follows:

*It is my independent conclusion that this proposed scheme of 53 no. Retirement Apartments cannot support the Policy requirement for 21 no. onsite Affordable dwellings for sale on a Discounted Market basis, and/or the payment of Section 106 Contributions totalling £67,914.*

*I have also concluded that the proposed scheme cannot viably provide any level of Affordable Housing, or any amount by way of payment towards Section 106 Contributions.*

6.133 The VOA's report provides some further commentary and identifies it is not considered a 100% Open Market scheme providing no affordable housing and no payment of contributions is viable and sets out a review clause might be an appropriate mechanism to ensure that if development is not constructed within a prescribed period of time, viability is reviewed. Those comments have been considered as part of the application assessment. Regarding the overall viability, the applicant has confirmed a commitment to the provision of later living housing and considers there to be a large unmet demand. With regards to a review mechanism, nPPG states plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles". (PPG Paragraph: 009 Reference ID: 10-009-20190509). In this instance, it is not considered a review mechanism is necessary and the requirement to commence works within the required time period is considered sufficient.

6.134 Overall, VOA has undertaken a robust assessment of the financials in connection with this development proposal and confirms in their view, no viability to support payment of contributions. On the basis of the expert advice provided, officers are satisfied it is the case the scheme cannot support the payment of contributions. The Council's Housing Development Officer raised initial objections given the lack of affordable housing, but the comments confirmed that until such time as independent confirmation has been received, unable to remove objection. This has now been duly received.

6.135 Paragraph 58 of the Framework outlines weight to be given to viability appraisals is a matter for the decision maker. Officers note Core Strategy Policy H1 provides targets in respect of affordable housing and identifies viability of affordable housing as a relevant factor in terms of affordable housing. Furthermore, the supporting text to Policy ID1 also acknowledges there may be occasions where development is unable to meet policy requirements and remain viable, and in order to assess the viability of a proposal the applicant will be required to provide any necessary cost and income figures. The Ledbury Neighbourhood Development Plan at Paragraph 6.8 also recognises viability as a factor in terms of achieving a mix of housing.

## Conclusions

6.136 Applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Herefordshire Local Plan – Core Strategy and the made Ledbury Neighbourhood Development Plan.

6.137 The application seeks full planning permission for the erection of 53 residential retirement living apartments and associated works.

6.138 The site is subject to an allocation for Open, Green Spaces and Playing Fields by virtue of its inclusion within Map 11 of Policy CL2.1 of the recently reviewed NDP. As set out, this policy does not preclude development. It sets out the various benefits applicable to land falling within Map 11 and identifies it is to be protected and maintained, but establishes criteria upon which its loss will be permitted. This involves assessment as to whether the benefits of the development outweigh visual, historic and community attributes.

6.139 The application site is located in a highly sustainable location. It is within the settlement boundary and immediately adjacent to services and facilities available within the town. CS Policy LB1 and NDP Policy SD1.1 offer support for proposals which promote reduction in car dependency and encourage environmentally sustainable travel modes. The proposals would contribute to those wider aims.

6.140 Furthermore, the proposed development would provide specialist elderly residential accommodation in an area which is identified as having a higher population over 65 than the county average. The NDP identifies increased support for housing for the elderly and also the young. Policy HO3.1 offers support for proposals for retirement homes. The NDP also states such development should provide easier access to centrally located health and support services.

6.141 The proposals also include a small element of employment and the introduction of additional residential population within the town centre, making a contribution to the local economy.

6.142 In respect of the biodiversity and green infrastructure elements of Policy CL2.1, the scheme would retain existing green infrastructure at the perimeter of the site and proposes additional new planting as part of a detailed landscaping scheme. The submitted documentation also demonstrates biodiversity net gain is achieved. The development is also not considered to result in fragmentation of green space as required by the Core Strategy.

6.143 Overall, it is considered the benefits of the proposed development outweigh the visual, historic and community attributes and therefore the requirements established through NDP Policy CL2.1 are met.

6.144 Turning now to the other elements in respect of the scheme, the Local Highway Authority, Lead Local Flood Authority, Severn Trent, Ecology Officer, Tree Officer, Building Conservation Officer and Environmental Health Officers raise no objections to the scheme. The Landscape Officer does not object, although it is noted those comments present a balanced assessment in terms of positives and negatives of the development.

- 6.145 The proposed building is large in terms of its scale, massing and footprint. However, given the specific characteristics of the site, surrounding context and the significant improvements made to the design of the scheme, it is considered the overall requirements in terms of design have been achieved. It is acknowledged the visual impact for some existing residential properties will be altered, but based on the siting of the building and proposals in terms of retention of boundary trees and new planting, amenity impacts of the development are considered acceptable.
- 6.146 The Landscape Officer has confirmed the proposed levels strategy and landscaping plan to be detailed. However, it is acknowledged further information has been requested specifically in connection to details of retaining walls. On the basis of the detailed information that has been provided in respect of levels, it is considered this can be dealt with via condition.
- 6.147 A development of this scale and nature attracts various financial contributions and a requirement for affordable housing, both of which would be secured via a Section 106 Agreement. Draft Heads of Terms have been prepared in terms of the financial contribution that would be required across the scheme.
- 6.148 The applicant's position is that the scheme is not financially viable to support the payment of financial contributions or the provision of affordable housing. A Financial Viability Appraisal has been submitted with the application. This has been independently reviewed by the VOA, who conclude the scheme is not viable to support on site affordable housing and financial contributions.
- 6.149 Paragraph 58 of the Framework outlines weight to be given to viability appraisals is a matter for the decision maker. In assessing the viability aspect of the proposals, it is noted Core Strategy Policy H1 provides targets in respect of affordable housing and identifies viability of affordable housing as a relevant factor in terms of affordable housing. Furthermore, the supporting text to Policy ID1 also acknowledges there may be occasions where development is unable to meet policy requirements and remain viable. In such cases viability assessment is needed. The Ledbury Neighbourhood Development Plan at Paragraph 6.8 also recognises viability as a factor in terms of achieving a mix of housing. Furthermore, the PPG notes some circumstances where viability might be a factor and includes where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people) (007 Reference ID: 10-007-20190509).
- 6.150 The lack of planning contributions is a negative factor in considering the overall benefits of the scheme, however there is relevant commentary within the Core Strategy and NDP acknowledging there may be circumstances when this is the case, and the position regarding viability has been interdentally assessed and confirmed.
- 6.152 When taking into account all of the considerations in respect of the proposals, the recommendation is to permit the application subject to various conditions which are listed below.

## **RECOMMENDATION**

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

### **General**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**



**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 The development shall be carried out strictly in accordance with the approved plans listed below:**

- **Location Plan (Ref: MI-2822-02-AC-0000);**
- **Amended Site Plan (Ref: MI-2822-03-AC-0001);**
- **Amended Lower Ground (Ref: MI-2822-03-AC-1000-E);**
- **Amended Ground Floor Plan (Ref: MI-2822-03-AC-1001-F);**
- **Amended First Floor Plan (Ref: MI-2822-03-AC-1002-E);**
- **Amended Second Floor Plan (Ref: MI-2822-03-AC-1003-E);**
- **Amended Roof Plan (Ref: MI-2822-03-AC-1004-C);**
- **Amended Entrance Elevation (Ref: MI-2822-03-AC-2001-D);**
- **Amended North Elevation (Ref: MI-2822-03-AC-2003-B);**
- **Amended South Elevation (Ref: MI-2822-03-AC-2004-C); and**
- **Amended Levels Strategy (Ref: MI-2822-03-DE-100 Rev B)**

**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, HO2.3 and BE1.1 of the Herefordshire Local Plan – Core Strategy, Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.**

**3 No more than 53 dwellings shall be constructed on the site.**

**Reason: Planning permission has been sought for 53 dwellings but the description of development does not reference total number of units. In order to regulate the development, and on the basis of the application which 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, LD1, LD2, MT1, SD1, LD1, LD4, SD3, SD4 and ID1 and Ledbury Neighbourhood Development Plan Policies HO2.2, HO2.3, HO3.1, BE1.1, NE1.1**

**4 Each residential dwelling hereby permitted shall be occupied only by:**

- **Persons over the age of 60; or**
- **Persons living as part of a single household with such a person or persons; or**
- **Persons who were living as part of a single household with such a person or persons who have since died.**

**Reason: The description of development and submitted documentation seeks planning permission for retirement living apartments and has been assessed on that basis. The scheme has also been subject to viability appraisal on this basis. This condition is required in order ensure compliance with Herefordshire Core Strategy policies SS1, SS3, LB1, LD1, LD2, MT1, LD1, LD4, SD1 SD3, SD4 and ID1and Ledbury Neighbourhood Development Plan Policies HO2.2, HO2.3, HO3.1, BE1.1, NE1.1.**

**5 Prior to commencement of development, a detailed, comprehensive, Construction Environmental Management Plan – including but not limited to detailed ecological working methods, retained tree and hedgerow protection scheme and consideration of all environmental effects of construction processes shall be submitted to and approved in writing by the local planning authority.**

The approved CEMP shall be implemented in full for the duration of all construction works at the site.

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

- 6 Prior to commencement of development, a detailed Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.

The approved scheme shall be implemented in full and hereafter maintained as approved.

Reason: This is required as a pre-commencement condition to ensure that biodiversity net gain is secured and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3; and the council's declared Climate Change and Ecological Emergency. Compliance with Highways Design Guide and to consider resident safety.

- 7 Prior to commencement of development, a Construction Management Plan shall be 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.

The Construction Management Plan shall include, but is not limited to, the following matters:

- a) site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities;
- b) 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;
- c) 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;
- d) measures for managing access and routing for construction and delivery traffic;
- e) hours during which construction work, including works of site clearance, and deliveries can take place.
- f) Construction Traffic Management Plan

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

Reason: This is required pre-commencement in the interests of highway safety, in the interests of safeguarding adjoining amenity and uses and to conform to the requirements of Policies SD1, SS6, LD2, LD3 and MT1 of the Herefordshire Local Plan Core Strategy 2011-31 and HO2.3 of the Ledbury Neighbourhood Development Plan during construction.

**8** Prior to commencement of development, the following shall be submitted to and approved in writing by the local planning authority:

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

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

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

**Reason:** This is included pre-commencement in the interests of ensuring human health and to comply with policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework, including during the construction period.

**9** Prior to commencement of development, a Resource Audit to identify the approach to materials shall be submitted to and approved in writing by the local planning authority. The Resource Audit shall include the following;

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

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

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

---

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139

**With the exception of site clearance and groundworks**

**10 Notwithstanding the details submitted in drawing refs MI-2822-03-AC-0002, MI-2822-03-DE-100 Rev B, MI-2822-03-DE-103, MI-2822-03-LA-4195-101I, MI-2822-03-LA-4195-201H, with the exception of site clearance and groundworks, no further development shall commence until a Landscape Scheme (a scaled plan or plans) including the following has been provided:**

- a) Full details of all retaining walls including height, size, location and materials;**
- b) Trees and hedgerow to be retained, setting out measures for their protection during construction, in accordance with BS5837:2012.**
- c) Trees and hedgerow to be removed.**
- d) All proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**
- e) 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.**

**11 With the exception of site clearance and groundworks, no other development shall commence until details of the following have been submitted to and approved in writing by the local planning authority:**

- A specification of the vehicular access.**

**The access shall be implemented in accordance with the agreed details prior to occupation of the development.**

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

**12 With the exception of site clearance and groundwork, no further development shall take place until samples of the materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policies HO2.3 and BE1.1 of the Ledbury Neighbourhood Development Plan and the National Planning Policy**

**13 With the exception of site clearance and groundworks, no development shall commence until written and illustrative details of the number, type/specification and location of electric vehicle charging point, has been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed prior to first occupation and be maintained and kept in good working order thereafter as specified by the manufacturer.**

**Reason: To address the requirements policies in relation to climate change SS7, MT1 and SD1 of the Herefordshire Local Plan Core Strategy, to assist in redressing the**

Climate Emergency declared by Herefordshire Council and to accord with the provisions at paragraphs 108 and 110 of the National Planning Policy Framework.

14 With the exception of site clearance and groundworks, the following details shall be submitted to and approved in writing by the local planning authority:

- Drainage plans for the disposal of foul and surface water flows;
- Evidence that the required easement for the headwall construction in the watercourse for the surface water discharge has been obtained as this is a Herefordshire Council asset
- Clarification of further details regarding the proposed foul water pumping station to include:
  - Confirmation of the proposed service interval for the pumping station;
  - Details of warning system in respect of water level in the wet well;
  - Details of the monitoring system for the pumping station;
  - Specification for a wireless system that will be used to report failures (including technical product details);
  - Submission of contractor details who can attend site on any day of the year, including bank holidays (if not possible, extra storage details may be required);
  - Provision of a full drawing showing where the required storage will be provided;
  - Float switch Clarification of levels of the following:
    - High Level Alarm (sends alarm to maintenance company);
    - Outlet pipe from Package Treatment Plant into pumping station; and
    - Cover level of pumping station

The development shall be implemented in accordance with the approved details.

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.

Prior to occupation of development

15 The Remediation Scheme, as approved pursuant to condition no. 8 above shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted and agreed in writing before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16 Prior to occupation of the development, a schedule of landscape management and maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.

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

- 17 Prior to occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle and mobility scooter parking facilities within the curtilage of the development shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle and mobility scooter parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the occupation of any of the dwelling houses 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.

- 18 Prior to the occupation of the development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the ‘Housing – Optional Technical Standards – Water efficiency standards’ (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

- 19 Prior to occupation of the development, refuse and recycling collection arrangements shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory bin collection arrangements in line with Herefordshire Local Plan – Core Strategy Policies SD1 and MT1.

#### Compliance

- 20 Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 39.5 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected 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 conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 21 The ecological protection, mitigation, compensation and working methods scheme including recommended Biodiversity Enhancement and any required European

**Protected Species Licence (*slow worms*) shall be implemented as recommended in the following:**

- **Reptiles (Middlemarch ref RT-MME-159116-03 dated June 2023);**
- **Bat Surveys (Middlemarch ref RT-MME-159116-02 dated June 2023);**
- **Great Crested Newt Survey (Middlemarch ref RT-MME-159116-05 dated June 2023);**
- **Revised Preliminary Ecology Appraisal (Middlemarch ref RT-MME-159116-01 Ref B dated 30/06/2023);**
- **Licence obtained from Natural England**

**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 (2015) policies LD1, LD2 and LD3.**

**22 The development shall be carried out strictly in accordance with the following documents and plan:**

- **Tree Constraints Plan (Ref:1571-KC-XX-YTREE-TCP01Rev0);**
- **Amended Tree Protection Plan (Ref: 1571-KC-XX-YTREE-TPP01RevB);**

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

**23 All hard and soft landscaping (planting, seeding or turf laying) in the approved in the full landscape scheme required by condition x shall be carried out concurrently with the development and completed in the first planting season following the occupation of any dwelling or the completion of the development, whichever is the sooner.**

**Any trees or plants which die, are removed or become severely damaged or diseased within 10 years of planting will be replaced in accordance with the approved plan.**

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

**24 Car parking shall be laid out in accordance with the Amended Site Plan (Drawing Ref: MI-2822-03-AC-0001) prior to occupation of the development and maintained for the purposes of parking thereafter.**

**The areas shall not thereafter be used for any other purpose than the parking of vehicles.**

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

**25 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside following hours:**

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working permitted on Sundays or Bank Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31 and HO2.3 of the Ledbury Neighbourhood Development Plan.

- 26 The mitigation measures identified within the submitted Noise Impact Assessment (Ref 1rN10071r1) dated 19 April 2023 shall be implemented prior to occupation of development.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31 and HO2.3 of the Ledbury Neighbourhood Development Plan.

- 27 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 policy SD1 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

- 28 No access gates or doors shall be provided at the site access or internal access road without the prior written approval of the local planning authority.

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

#### 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. Revised documents have been submitted during the course of the application assessment 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 Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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.
3. It is drawn to the applicants attention that a Natural England EPS licence should be obtained prior to commencement of development. Additional surveys may be required for the preparation of the Method Statement. The Method Statement should



**be approved by the local authority's Ecologist prior to submission to Natural England and can form part of the mitigation scheme. The applicant will need to ask the local authority to complete a questionnaire as part of the licence application.**

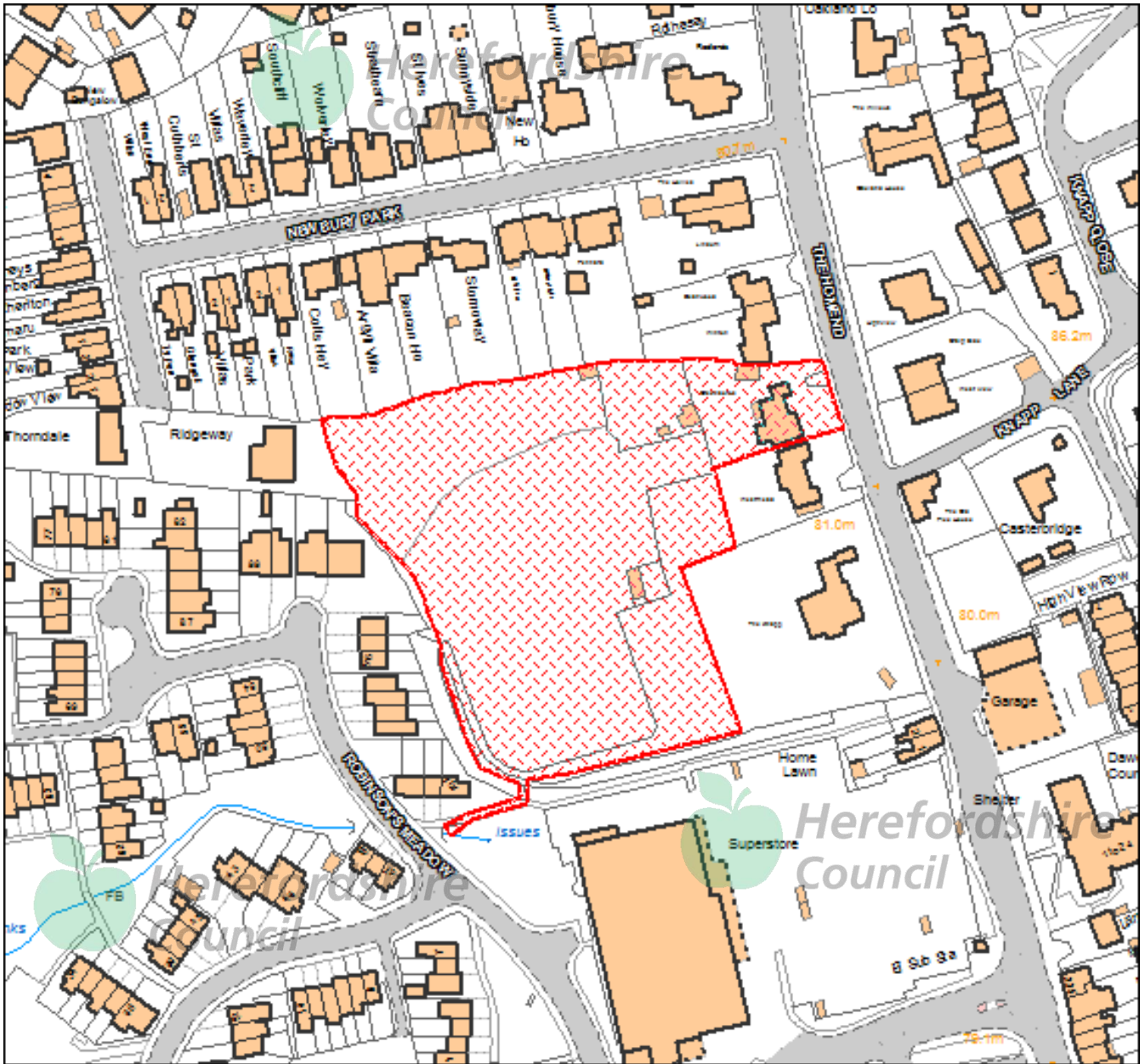
Decision: .....

Notes: .....

.....

**Background Papers**

None identified.



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

**APPLICATION NO:** 223248

**SITE ADDRESS :** BUILDING AND CURTILAGE OF GREENACRES BUNGALOW, AND LAND TO THE REAR OF THE KNAPP AND WESTMEAD, THE HOMEND, LEDBURY, HEREFORDSHIRE

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Ms Chloe Smart on 01432 260139