

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>3 SEPTEMBER 2025</b>
<b>TITLE OF REPORT:</b>	<p><b>242783 - A HYBRID PLANNING APPLICATION COMPRISING: AN APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF A DAY NURSERY (USE CLASS E (F)) AND FOODSTORE (USE CLASS E (A)) INCLUDING ACCESS, CAR PARKING LANDSCAPING AND ASSOCIATED WORK; &amp; AN APPLICATION FOR OUTLINE PLANNING PERMISSION FOR THE ERECTION OF A MEDICAL CENTRE (USE CLASS E(E)), WITH AT LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), LEDBURY, HEREFORDSHIRE,</b></p> <p><b>For: Lidl GB Ltd per Mr Rob Mitchell, Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242783&amp;search-term=242783">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242783&amp;search-term=242783</a>
<b>Reason Application submitted to Committee - Redirection request</b>	

**Date Received: 29 October 2024      Ward: Ledbury South      Grid Ref: 370392,236681**

**Expiry Date: 30 May 2025**

Local Members: Cllr Stefanie Simmons. Adjoining - Cllr Liz Harvey and Cllr Justine Peberdy

## **1. Site Description**

- 1.1 The application site covers a broadly triangular parcel of land and is currently in agricultural use. It is primarily bound hedgerows, interspersed with trees. The land slopes down from the south-western corner to the north-east. The surrounding area comprises a mix of uses. To the west, along the B4216 Dymock Road, there are commercial and employment premises. To the north of the adjacent four-arm roundabout, land is occupied by a mix of residential development and a the 'Full-Pitcher' public-house. To the south-east, is a recently completed residential development – with its public open-space being located closest to the site's southeastern boundary.
- 1.2 The site is located roughly 600-metres from the boundary of the Malvern Hills National Landscape (NL) and is situated within its wider setting. Although lying within Flood Zone 1, The River Leadon is located around-200 metres to the west of the site. A small part of the site's western extent is identified as being at risk from surface water flooding.
- 1.3 The site is located approximately 850-metres to the south of the Ledbury Conservation Area, and there are no listed buildings within close proximity to the site.

Due to its position adjacent to Dymock Road and Leadon Way, both principal vehicular routes serving Ledbury, the site can be considered as a 'gateway' to the town.

---

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

## 2. Proposal

- 2.1 The application seeks planning permission for a mixed-use scheme comprising a retail foodstore, a day care nursery, and a medical centre. The application is made in hybrid format, with full planning permission sought for the foodstore and nursery, and outline planning permission sought for the medical centre. The proposed masterplan is illustrated at **Figure 1**.



**Figure 1 – Proposed Masterplan**

### Full application

- 2.2 The proposed foodstore, to be operated by Lidl, would have a net sales area of 1,100 square metres and would be situated to the northern part of the site. It would be served by a dedicated surface-level car park to the west, providing around 101 spaces, including spaces for disabled users, parent and child parking, and electric vehicle charging. The foodstore is proposed to operate between 08:00 and 22:00 Monday to Saturday, and between 10:00 and 16:00 on Sundays. Unrestricted delivery hours are also sought.
- 2.3 Immediately to the south of the foodstore, a day care nursery is proposed, benefiting from a dedicated parking area. The proposed medical centre would occupy a separate parcel to the south-west of the site. This element of the proposal is submitted with parameters defined as

follows: building heights between 8 and 12-metres, widths between 27 and 33-metres, and lengths between 34 and 40-metres.

- 2.4 The proposed development would be accessed via a new junction taken from the B4216 Dymock Road, with internal roads providing access to each separate parcel and its respective use. The proposal would also provide 2no. for pedestrian and cycle links from the site to the northern boundary, connecting with the existing footway along the southern side of the A417 Leaddon Way. Landscaping and other associated works are proposed throughout the site.

### Outline

- 2.5 The medical centre is proposed in outline form, with access to be determined and all other matters reserved. Indicative parameters have been provided, including building heights of 8 -12 metres and a footprint of approximately 865 sqm. The proposed location to the southwest of the site allows for integration with the wider scheme and provides space for associated infrastructure and landscaping.

## **3. Planning History**

- 3.1 201718 - A hybrid application comprising: An application for full planning permission for the erection of a children's day nursery (Use Class D1), food store (Use Class A1), with associated access, landscaping and associated work; and An application for outline planning permission for the erection of a medical centre (Use Class D1), with all matters bar access reserved. Refused 28 January 2021 (APP/W1850/W/21/3279731 – Appeal Dismissed – 21 September 2022).
- 3.2 It is pertinent to note the material changes since the above dismissed the appeal. Principally, these are considered to be as follows; -
- Adoption of Updated Ledbury Neighbourhood Development Plan (NDP) (2023): The application site is specifically allocated within the NDP at Policy EE1.2. This policy supports the delivery of sensitive employment or service uses, specifically encouraging proposals within Use Classes E(e) (medical/health services), E(f) (day nursery), E(g) (offices, R&D, and light industry), and C1 (hotels).
  - Herefordshire Town Centre and Retail Assessment (September 2022): The Council's updated retail evidence base (Nexus, 2022) provides a robust, up-to-date assessment of retail capacity, and quantitative/qualitative need across the county. This assessment identifies a quantitative need for additional convenience retail floorspace in Ledbury.
  - Significant new housing development coming forward in Ledbury.
  - Changes to the Scheme: The current proposal has been revised since the previous appeal, including a reduction in the scale of the foodstore and the introduction of a Section 106 mechanism to secure the delivery of the medical centre.
  - Site Ownership and Deliverability: Lidl now owns the site, providing increased certainty over delivery and enabling the transfer of land for the medical centre at nil value, as secured through the Section 106 agreement.

## **4. Relevant planning policy**

### 4.1 Herefordshire Local Plan – Core Strategy

SS1 Presumption in favour of sustainable development  
 SS4 Movement and transportation  
 SS6 Environmental quality and local distinctiveness

MT1 Traffic management, highway safety and promoting active travel  
LB1 Development in Ledbury  
E5 Town centres  
E6 Primary shopping areas and primary and secondary shopping frontages  
LD1 Landscape and townscape  
LD2 Biodiversity and geodiversity  
LD3 Green infrastructure  
LD4 Historic environment and heritage assets  
SC1 Social and community facilities  
SD1 Sustainable design and energy efficiency  
SD3 Sustainable water management and water resources  
SD4 Waste water treatment and river water quality  
ID1 Infrastructure

#### 4.2 Ledbury Neighbourhood Development Plan (2023)

SD1.1 Ledbury as a self-sustaining community  
SD1.2 Settlement boundary  
SD1.3 Sustainable design  
HO2.1 Reinforcing balanced housing communities  
EE1.2 Small employment sites within and adjoining the town  
EE3.1 Protection of shopping frontages and primary shopping area  
EE3.2 Defined town centre  
BE1.1 Design  
BE2.1 Protecting and enhancing heritage assets  
NE1.1 Protecting and enhancing biodiversity and geodiversity  
NE2.1 Conserving the landscape and scenic beauty of the parish  
NE2.2 Protecting important views and the setting of the town  
NE3.1 Green infrastructure and open space  
NE3.2 Local green space  
CL1.1 Community services and facilities  
CL2.1 Protection of open and green spaces and playing fields  
TR1.1 Footpaths and cycleways  
TR1.2 Public realm design requirements

#### 4.3 National Planning Policy Framework

Chapter 2 Achieving sustainable development  
Chapter 4 Decision-making  
Chapter 6 Building a strong, competitive economy  
Chapter 7 Ensuring the vitality of town centres  
Chapter 8 Promoting healthy and safe communities  
Chapter 9 Promoting sustainable transport  
Chapter 11 Making effective use of land  
Chapter 12 Achieving well-designed places  
Chapter 14 Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 Conserving and enhancing the natural environment  
Chapter 16 Conserving and enhancing the historic environment

### 5. **Consultation Summary**

#### 5.1 Area Engineer (Local Highway Authority) – comment

##### 5.1.1 17/7/25 -

1. Bus stop locations are agreed
2. The RSA Stage 1 has been signed off.

Issues which need changing

3. Drawing No. PL02/PL03 shows a hedgerow in the widened footway cycleway
4. The cycle storage location limits the width to the through flow to all of the site. With bikes parked in the bike racks the distance users are able to access the site is less than two metres therefore restricting the access.

If these issues can be changes please condition as follows:-

CAB - Visibility Splays-  
CAE - Vehicular access construction  
CAJ -Parking - Estates  
CAP -Highways Improvement/off site works  
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  
I08 – Section 278 Agreement  
I07 – Section 38 Agreement & Drainage details  
I47 – Drainage other than via highway system  
I41 – Travel plans  
I35 – Highways Design Guide and Specification

- 5.1.2 22/5/25 - I recently held a meeting with Public Transport, Transport Planning, and Councillor Simmons to discuss the proposed bus service provision for the site.

The following requirements have been identified:

#### 1. Bus Stops

A pair of bus stops should be provided adjacent to the nursery site access - one on each side of the carriageway. The proposed design must be supported by a Stage 1 Road Safety Audit (RSA), which should also include the proposed Toucan crossing facilities.

The bus stop should not obstruct or impact the functionality of the shared cycle and pedestrian.

#### 2. Bus Stop Specifications

Final specifications are to be confirmed with the Public Transport team; however, each stop is expected to include the following:

Shelters: One full shelter and one cantilever shelter.

Real-Time Information (RTI): Solar-powered RTI units.

Bus Stop Markings: In accordance with local highway authority standards.

Signage/Flags: Appropriate bus stop signage and flags to be installed.

#### 3. Hedgerow etc

Details should be provided on how much hedgerow needs to be removed/relocated to provide the bus stops.

#### 4. Bus Service Provision

It is currently anticipated that the 232 bus service will serve these proposed stops, however I believe these discussions are ongoing.



Please ensure that these requirements are incorporated into the relevant design and planning documentation going forward.

One final comment to add—though brief, it feels important to mention, it should be noted how concerned Ledbury Town Council are about the relocation of the medical services to the outskirts of Ledbury and the connectivity of the site. The connectivity of the site should not only be just about Lidl, but also the medical centre; therefore, there needs to be a positive move forwards in the bus provision for the whole site.

We just have to be mindful about the previous LHA response, which didn't increase the bus services due to the lack of support by previous Public Transport comments.

- 5.1.3 26/2/25 - The previous application has agreed many issues, however there are several concerns which need to be changed to be acceptable.

#### Access

The proposed access arrangement requires modification. As shown in the submitted plans, the HGV manoeuvre does not maintain a consistent alignment when negotiating the junction and internal carriageway. To address this, potential adjustments may include relocating the junction further northwest, closer to the Lidl sign, or widening the junction to better accommodate HGV turning movements. Tracking needs to be provided for the altered access.

#### Pedestrian and cyclist access

The pedestrian and cyclist access into the site requires modification. The proposed access currently accommodates only pedestrians, with widths designed exclusively for pedestrian use. The non motorised accesses into the site appear to be narrow and not very welcoming, one of the aims of the site should be to increase connectivity to the site via means other than a private vehicle. To ensure adequate provision for cyclists, these access routes should be widened to a minimum of 3 metres. The access adjacent to the nursery should also be widened to at least 3 metres to facilitate shared use by pedestrians and cyclists. Links should be provided from the Hawk Rise development into the site to allow Hawk Rise residents to access the site without going via Leadon Way.

Additionally, the proposed Toucan crossing should be relocated further east to align with the existing and improved Public Right of Way (PROW), enhancing connectivity and providing a more direct route into the site. Connections should be provided around the western side of the Full Pitcher roundabout to connect Dymock Road to Ross Road.

Furthermore, the hedgerow along the eastern pedestrian access, which extends past the nursery, should either be removed or reduced in height to maintain visibility and prevent the route from becoming hidden. Good natural surveillance will encourage use.

It is noted that LTN 1/20 has not been used as part of the assessment submitted in the Transport Assessment. Details should be provided on how the proposals align with LTN 1/20.

In accordance with Herefordshire Council (HC) policy, a minimum of 10% of parking spaces must be allocated for disabled users. It is essential that the parking provision across all individual sites complies with this requirement.

The proposed parking for the nursery does not meet the standards set out in the HC Design Guide, which bases its calculations on Gross Floor Space (GFS). The guidance stipulates the need for 45 parking spaces, including 5 designated disabled bays. However, the current proposal provides only 24 spaces, with just 1 allocated for disabled users.

To address this shortfall, the parking provision should be revised to meet the HC Design Guide requirements. Alternatively, further details should be provided on how the nursery intends to manage drop-off and pick-up times to ensure safe and efficient access, minimise congestion, prevent adverse impacts on the local highway network, and avoid additional pressure on existing parking facilities during peak periods.

The submitted documents reference a looped area intended to facilitate drop-off and pick-up. However, given the limited number of parking spaces, there is concern that during peak times this could lead to vehicle stacking, potentially obstructing the other site accesses and affecting the adopted highway.

Further clarification is requested on the operational aspects of the nursery, including whether there are standardised drop-off and pick-up times and how many children are expected to be accommodated during these periods as well as staffing numbers. This information is essential to accurately assess the impact on traffic flow and parking demand.

The cycle parking should be relocated nearer the front of the store to allow for better security and convenience for customers while ensuring easier surveillance and accessibility. The proposed location is located too near the pedestrian access and bikes could easily be removed without noticing. Cycle electric chargers should also look to be provided.

Bus services - To promote sustainable transport and encourage the use of public transport for the site, it is essential to provide well-placed bus stops in close proximity. While existing bus stop facilities serve the area, an additional stop nearer to the site would enhance accessibility and improve service. Engaging with the Public Transport department and local bus providers to provide an extension of the 600 service, which operates around Ledbury, would ensure better connectivity for the site. An assessment of bus stop provision on Leadon way should be undertaken.

Medical centre – As this is an outline application, the specific details regarding the provision and nature of the proposed medical centre have not been defined. The only element under consideration at this stage is access. This site access is shared with the wider development and is therefore addressed alongside the associated applications. However, no details have been provided in regard to the highway impact of the development which is a consideration under access and therefore part of the application.

This issue is further compounded by the lack of detailed information on the intended services within the medical centre—whether it will function as a general practitioner's surgery, dental practice, or a diagnostic facility similar to the recently proposed centre in Hereford.

Each of these uses would generate varying levels of traffic and associated vehicle movements. Could the applicant provide further clarification on the intended scope and function of the medical centre to enable a more accurate assessment of its potential impact?

Travel plan comments from - Naomi Hailing, Travel Plan Officer:

Upon reviewing the Mixed-Use Site Framework Travel Plan (23-00942/TP/01, October 2024), I note the comment 10.1.3: " This FTP has been prepared to set out the general objectives and methodologies to be implement across the wider mixed-use site. Separate site-specific TPs however will be prepared which the end user of each occupied unit on the site will manage." This will provide a clearer understanding of what will occur at each business, and I look forward to reviewing each individual plan.

I would request that the site Travel Plan Coordinator join Herefordshire Council's Travel to Work network. It would also be helpful to include how the newsletter will be distributed to staff, ensuring it is available both in hard copy and electronically.

5.2 Built and Natural Environment Service (Landscape) – comment;

5.2.1 27/6/25 - I am satisfied that the applicant has addressed my previous comments, and have no objection.

There is no information or statement regarding the other points raised, as I can ascertain. This may be just a case of clarification, or implemented as conditions.

To recap (extract from comments, dated 06/01/2025).

#### Environmental Colour Assessment

The ECA report is welcomed as part of the design process and signifies a recognition of the setting of the building in the landscape and wider context, particularly in relation to the association with the Malvern Hills National Landscape and the Ledbury NDP, Policy NE2.1B, that states, 'Ensure associated elements such as hard landscape measures, boundary treatment, and building materials and colours are appropriate to the location.'

Addressing the typical Lidl building colour palette of light grey and white as seen in figures 4-6, the applicant has taken the recommendation of the ECA report to select colour based on an objective contextual way. This is supported; however, it would be prudent to ensure samples are provided to complete the final analysis of colours in the landscape/on site as you would expect for a development of this scale. It would be beneficial to see the samples and palette board in relation to the three buildings so that a harmonious comparison can be made. Note: It is recommended to provide matte finishes to reduce reflection and glare (this includes the solar panels).

Note: the palette board could be of similar look and feel as the elevations provided with this application but modified in accordance with the final product supplier.

The ECA report (page 11) suggest that some similar colours can be carried to all buildings within the development to create a uniformity, however I speculate that the roof colour of the Day Nursery could be different (a dark brown) to the Foodstore (dark grey) to signify the more intimate scale of the building in relation to the residential buildings, and appear when looking over Ledbury from Dog Wood Hill (page 13 of the ECA), the roofscape mosaic continued within the development.

Note: The response to material and colour should also take into account landscape elements (furniture, lighting, bollards, signage, and fencing). For example, the 1.8 high Paladin Fencing. This is proposed as dark green. Pending the actual green (not specified), artificial green can contrast against the landscape/building (i.e., around the Day Nursery/along the building frontage along Leaddon Way). A black or dark brown (a colour from the suggested Colourways/Developed palette) is recommended.

In terms of the stainless steel landscape elements, a brushed satin finish is visually softer and less reflective and would complement the architectural matte finishes and galvanised finishes.

Recommended condition

Provide samples of external materials (HC reference C13)

With the exception of any site clearance and groundwork, no further development shall take place until details or samples of material 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 LD1 of the Herefordshire Local Plan -Core Strategy and the National Planning Policy Framework.



## Signage

Request: The external signage is provided on the plans, but there are no elevations or details. This should be provided to ensure they are complimentary to the overall appearance and scale of the development.

### 5.2.2 6/1/25 - It is understood this application is a hybrid planning application comprising:

1) Outline planning permission for the erection of a medical centre (Use Class E (e)), with access to be determined and all other matters reserved.

Regarding the outline part (1) of the application for the medical centre there is no objection to the access. In terms of the building, the principles of design (material and colour) should reflect that used for the Foodstore and Day Nursery.

2) Full planning permission for the erection of a Day Nursery (Use Class E (f)) and Foodstore (Use Class E (a)) including access, car parking landscaping and associated work; and

Regarding the full planning application there are comments:

#### Hedgerow along Leadon Way

Leadon Way is an important drive into Ledbury, and the existing hedgerow (with hedgerow trees) lines this drive with greenery and a sense of rural countryside, a feature of the Herefordshire landscape (refer to figure 1). The development retains this hedgerow as it is on the boundary between highways and the applicant site.

However, how will it ultimately look? – This is not defined. Will it be as per figure 1, overgrown, or clipped to a certain height? This is not defined, and there is some concern. There are some Lidl developments (refer to figure 4-6) that opt for a low-level landscape response for most likely visibility reasons. It would be expected for this development that the hedgerow is maintained to a high quality and thus retains a sense of rural distinctiveness and character in accordance with LD1 and SS6, whilst also contributing to biodiversity and green infrastructure, LD2 and LD3, respectively.

One of the concerns is that the representation of the hedgerow on the plan appears to be drawn as it looks in figure 1. Therefore, on the plan, it shows a hedge zone of between 4-6 metres. This representation does not show what it should look like as a managed and healthy hedgerow that I assume will be the case.

The other concern is that the hedgerow shows signs of a hedge neglected (refer to figure 2). It appears that the hedge has been cut at the same time (knuckle effect) at approximately 1.5 metres (as stated in the landscape report) for a long period of time and then let to outgrow (what appears to be 4+ years).

It is not recommended to cut back to the same knuckle height of 1.5 metres, and it is not recommended to leave the hedgerow to outgrow or start trimming at a point of, say, 2.0 metres. There is very good guidance (see below) on how to manage hedgerows (rejuvenation and provide routine management practices).

Note: The principle understanding of managed heights and maintenance regimes for all the boundary treatments should be provided.

For example: Management of existing native hedgerow

#### ***'A' shape structure***

Trim the hedge to form an 'A' shape, thicker at the base, and narrower at the top. This provides maximum protection for wildlife while allowing light to reach the ground. The overall height to be

3 metres high, with variations to ensure a healthy form. Cut the hedge in intervals of 10-20cm per year (refer to the Peoples Trust for Endangered Species (PTES) recommendations)

Cutting to different lengths, rather than trimming back to the same point, allows hedges to increase in height and width by several centimetres at each cut, encouraging a dense, healthy hedgerow. A 'light touch' approach encourages fruit and biodiversity enhancement.

*Leave at least 50% of the hedgerow uncut.*

Every year on rotation, leave at least half of the total hedgerow length uncut to increase the amount of pollen, nectar, and berries for birds and insects.

### ***Gapping up***

Undertake assessments of the hedgerow to ascertain if gapping up is required and replacement planting will be provided. Aim to enrich and provide a high quality, diverse hedgerow that is both visually interesting and biodiversity enhanced.

### ***Further guidance***

Peoples Trust for Endangered Species (PTES)  
GOV.UK

### **Hedge Link**

Recommended condition:

A condition with a focus on the hedgerow is requested, with a detailed understanding of the form and management of the hedgerows provided for a period of 5-10 years.

### **Tree strategy**

In general, the tree strategy is accepted; however, there could be further thought on the trees along Leaddon Way (and other boundaries) to take into consideration a more natural layout that would reflect the surrounding landscape and also respond to the spaces of the green wall (giving the green wall more light to grow effectively). The current tree layout is at 10 metre centres, similar to figure 5. This appears too wide when compared to the rhythm of spacing found along Leaddon Way. Therefore, an indicative suggestion (refer to figure 3) is provided.

Request: Review the tree strategy to create variety along Leaddon Way.

### **Environmental Colour Assessment**

The ECA report is welcomed as part of the design process and signifies a recognition of the setting of the building in the landscape and wider context, particularly in relation to the association with the Malvern Hills National Landscape and the Ledbury NDP, Policy NE2.1B, that states, 'Ensure associated elements such as hard landscape measures, boundary treatment, and building materials and colours are appropriate to the location.'

Addressing the typical Lidl building colour palette of light grey and white as seen in figures 4-6, the applicant has taken the recommendation of the ECA report to select colour based on an objective contextual way. This is supported; however, it would be prudent to ensure samples are provided to complete the final analysis of colours in the landscape/on site as you would expect for a development of this scale. It would be beneficial to see the samples and palette board in relation to the three buildings so that a harmonious comparison can be made. Note: It is recommended to provide matte finishes to reduce reflection and glare (this includes the solar panels).

Note: the palette board could be of similar look and feel as the elevations provided with this application but modified in accordance with the final product supplier.

The ECA report (page 11) suggest that some similar colours can be carried to all buildings within the development to create a uniformity, however I speculate that the roof colour of the Day

---

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

Nursery could be different (a dark brown) to the Foodstore (dark grey) to signify the more intimate scale of the building in relation to the residential buildings, and appear when looking over Ledbury from Dog Wood Hill (page 13 of the ECA), the roofscape mosaic continued within the development.

Note: The response to material and colour should also take into account landscape elements (furniture, lighting, bollards, signage, and fencing). For example, the 1.8 high Paladin Fencing. This is proposed as dark green. Pending the actual green (not specified), artificial green can contrast against the landscape/building (i.e., around the Day Nursery/along the building frontage along Leaddon Way). A black or dark brown (a colour from the suggested Colourways/Developed palette) is recommended.

In terms of the stainless steel landscape elements, a brushed satin finish is visually softer and less reflective and would complement the architectural matte finishes and galvanised finishes.

Recommended condition

Provide samples of external materials (HC reference C13)

With the exception of any site clearance and groundwork, no further development shall take place until details or samples of material 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 LD1 of the Herefordshire Local Plan -Core Strategy and the National Planning Policy Framework.

Wall

Recommended condition

A condition is requested to provide details of the planting specification and maintenance regime for the life of the building (perpetuity) as the green wall is an integral part of the building façade along Leaddon Way.

Reason: It is important to ensure the planting is harmonious and 'natural' in appearance and relates to the overall façade material and colour to ensure that this complies requirements of Policy LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Signage

Request: The external signage is provided on the plans, but not there are no elevations or details. This should be provided to ensure they are complimentary to the overall appearance and scale of the development.

Landscaping

Overall, the landscape proposal and specification provided are comprehensive. With revision as suggested above, this would be acceptable documentation for planning purposes. It is preferred to have this updated rather than conditioned.



Figure 1: Hedgerow along Leadon Way



Figure 2: Existing hedgerow left to grow out, from regularly trimmed height of approximately 1.5 metres.



Figure 3: Create variation in the perimeter tree character (with a variety of species), take into consideration the green walls and actual 'maintained' hedge width. Aim to create a rural character.



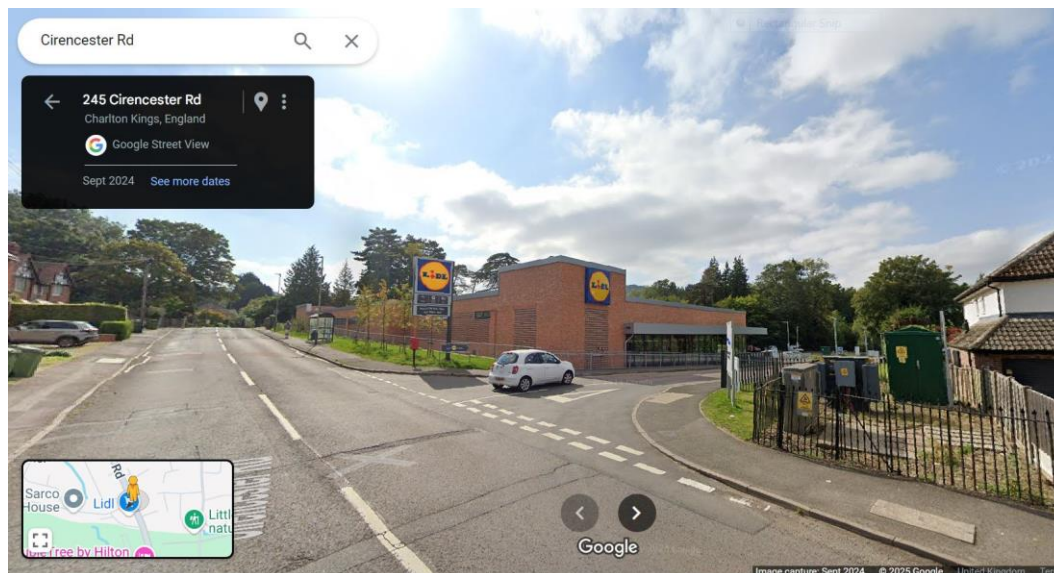


Figure 4: Lidl – Gloucester, September 2024 (Trees relative close with grass understorey)



Figure 5: Lidl – Shrewsbury, May 2024 (Trees at approximately 10 metre centres with grass understorey)



Figure 6: Lidl – Newtown, May 2024 (Trees at approximately 7.5 metre centres with low shrub planting understorey)



### 5.3 Built and Natural Environment Service (Ecology)

- 5.3.1 13/3/25 - It is noted that statutory Biodiversity Net Gain is proposed a hybrid mix of onsite delivery and addition purchase of offsite habitat Units. As the development is confined to a small area and the full application also directly impacts and supports the proposed outline application element it is expected that prior to any works commencing on the 'full application' or any part of the proposed development the whole BNG solution will be full secured and all relevant offsite habitat units fully secured and purchased. This is all within the required 'discharge of statutory BNG requirements' that must be fully completed prior to any works commencing onsite.

There are records of protected species within 500m of the site, including breeding Great Crested Newts. These are unlikely to access the site in their terrestrial phase due to barriers between ponds and habitats on site. It is relevant and appropriate to secure a Construction Environmental Management Plan as a pre-commencement condition on the 'full' part of the application, with an updated CEMP requested to support the future 'reserved matters' application. The CEMP should fully consider all potential ecological and wider environmental impacts of all works on site. A useful guide for all relevant considerations can be found at [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan)

#### Habitat Regulations – Construction Environmental Management Plan

No development approved under the full planning permission shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Informative: The CEMP should clearly follow best practice guidance such as [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan) to ensure all potential wider environmental effects are fully considered.

#### Habitat Regulations – Construction Environmental Management Plan

No development approved under the outline planning permission or subsequent Reserved Matters application shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Informative: The CEMP should clearly follow best practice guidance such as [https://www.designingbuildings.co.uk/wiki/Construction\\_environmental\\_management\\_plan](https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan) to ensure all potential wider environmental effects are fully considered.

All external and supporting lighting should demonstrate it is fully compliant with all current best practice guidance issued by the Institute of Lighting Professions/Bat Conservation Trust so as to clearly demonstrate it will not increase any existing local illumination levels that helps protect the local dark skies, setting of the Malvern Hills National Landscape and locally present light sensitive nocturnal wildlife – that includes multiple bat species. If considered appropriate a condition to secure a detailed lighting and illumination assessment and lighting specifications should be included as a pre-commencement of development above foundation levels.

#### 5.4 Built and Natural Environment Service (Archaeology) – no objection

#### 5.5 Built and Natural Environment Service (Trees) – comment;

##### 5.5.1 15/7/25 - Comments: I have reviewed the submitted information in regard to the existing arboricultural resource within the site and have the following comments.

The AIA report (ARBTS – ArbTS\_1650.3\_Land off Leadon way\_22.04.25) identifies at trees on the site and categorises their overall quality. The report highlights tree removals required to implement the proposals which relate to sectional removal of existing hedgerows to allow access as well as 4 other survey items. These were are categorised as low quality (Category C). It is considered that these removals have been mitigated through the proposed landscape plan (Corscadden associates\_CA-2024-LDBY-03\_RevH\_01.12.23). All other arboricultural features will be retained.

I note that the northern hedgerow is proposed to be laid which is positive (highlighted in the hedgerow management plan – 2024-LDY-07-RevB\_19.06.25). The submitted amended tree survey plan (2024-LDBY-02-RevC\_19.06.25) does indicate that the north hedgerow will be removed (shaded red). This needs to be clarified.

Overall, I have no objection to the proposals as impacts to the existing arboricultural resource is limited. If permission is granted, planning conditions should be imposed to ensure adherence with the approved documents.

#### 5.6 Environmental Health (Noise)

##### 5.6.1 7/5/25 - I note comments made regarding noise impacts on the nursery and agree that, given the assessment made and points addressed, this could be dealt with by way of condition re adherence to BS93 criteria. It should be noted that 55dB LAeq,T is the max desirable level set by the WHO for external amenity areas. Also, the max permissible internal noise limit for teaching space set out in BS93 is 35 dBA. By combining this with a 15 dBA sound insulation for an open window, external noise levels should not exceed 50 dB LAeq.

Therefore, natural ventilation cannot be relied on, and an alternative ventilation strategy will be required.

I would suggest that conditions cover the following:

The performance requirements for all teaching spaces within this development are to be in accordance with the targets set out in BS93.

A ventilation strategy is to be provided to set out how adequate ventilation is to be achieved while achieving compliance with internal noise criteria outlined in BS93.

A condition to cover the installation of a solid boundary fence of at least 3 metres high between the food store and nursery.

*Medical centre:*

Agree that can be dealt with further down the line (though design phase – HTM 08-01Acoustics) but thought it prudent to raise at this stage.

- 5.6.2 20/4/25 - The applicant has supplied a noise impact assessment, dated 3rd April 2024 - ref.InAcoustic 23-601-2, which considers the noise impacts from the proposed Lidl store, nursery and medical centre on nearby sensitive receptors. Noise impacts on site (to nursery and medical centre) have not been specifically assessed in this report.

Food store external plant has been assessed in accordance with BS4142\* and found to generate 'low impact' during the day and night time at the nearest sensitive receptors. Deliveries to the store have also been found to produce levels no higher than 'low impact'.

As other external plant on site is yet to be determined, noise limits have been set at 10dB below background to safeguard residential amenity. This limit applies to the cumulative impact of all plant on site at the nearest residential receptors.

Noise from the use of the nursery has been assessed based on a similar operational facility and deemed to constitute a 'low impact'. In the absence of any specific guidance on assessing noise from children using external amenity space, BS4142\* has been used.

I do have concerns that neither road traffic noise nor plant and delivery noise have been assessed in terms of impact on the occupants of the proposed nursery (both inside the nursery and outside in the play areas), or the medical centre. This was assessed in a previous noise impact assessment and mitigation suggested.

Therefore, I would suggest that the noise impact assessment is revised to include consideration of the impact of noise from both road traffic and food store plant and delivery on the operational use of the nursery (internal and external) and medical centre. If mitigation is required, this should be included within the report. The revised assessment and any proposed mitigation measures will need to be agreed in writing by the LPA prior to works commencing on site.

Noise impact on the nursery should be assessed in accordance with BS93 'Acoustic design of schools: performance standards'.

Ventilation will also need to be addressed and therefore, in addition to the above, I suggest that the following condition it added to any permission granted:

Prior to the commencement of works on site, the applicant is required to supply a ventilation strategy for the nursery. This must set out how adequate ventilation is to be achieved while achieving compliance with the internal ambient noise criteria in current version of Building Bulletin 93 'Acoustic design of schools: performance standards'.

Reason: In order to protect the amenity of the area and that of future site users so as to comply with policy SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

\*BS4142:2014+A1(2019) 'Methods for rating and assessing industrial and commercial sound'.

## 5.7 Environmental Health (Air Quality) – comment

### 5.7.1 13/5/25 - Thank you for the information

On the basis of the response below, it appears that reasonable explanation has been made regarding committed developments from an air quality perspective.

Please note that the highways/traffic team are the specialists in reviewing traffic data. In the absence of any concerns being raised from the highways/ transport department regarding traffic assessment/ trip numbers, I have no further concern

- 5.7.2 16/1/25 - I refer to the above application and I would make the following comments in relation to air quality.

The application comprises of a supermarket, medical centre and nursery. The site is an existing greenfield site. The proposed uses will generate a significant number of car journeys and some HDV's mainly for deliveries to the supermarket.

Where increased vehicle movements are predicted, it is likely that there will be increased emissions associated with vehicle exhausts, namely Nitrogen dioxide and fine particulates (PM10/PM2.5).

To determine the potential impacts on air quality an air quality assessment has been submitted with the application.

#### *Transport Assessment*

The transport assessment prepared by Corun Associates estimates the number of trips that are likely to be generated as a result of the proposed development. This data was then used within in the Air Quality Assessment (AQA).

At the time of writing, the Transport Assessment has not been reviewed by Herefordshire Council Transport Team. Should significant changes be made to the transport data in terms of trip generation, the AQA may need to be reviewed and amended where necessary.

#### *Air Quality assessment*

An air quality assessment was prepared by SLR Consulting Ltd dated 26th July 2024. The report assessed;

- the potential impact of dust emissions during the construction phase on surrounding receptors (including PM10).
- the potential impact that the proposed development would have on air quality from increased traffic emissions around the development site and in locations where traffic movement is predicted to increase. Pollutants that were assessed were Nitrogen dioxide, PM10 and PM2.5.

The air quality assessment was modelled using the baseline year of 2023 and the opening year 2025.

It is not clear if committed development was included in the air quality assessment. The inclusion of committed developments is required to understand the cumulative impact of development on air quality. It was agreed with the air quality consultant that committed development should be included during prior to the assessment being undertaken.

Diffusion tube monitoring for Nitrogen dioxide (NO<sub>2</sub>) was undertaken to verify the model. The monitoring locations and air quality assessment methodology were agreed prior to commencement of the monitoring.

The results of the air quality assessment modelling did not predict any exceedances of the air quality objectives of Nitrogen dioxide and fine particulates at sensitive receptor locations. The highest modelled predicted value of NO<sub>2</sub> was 23.0 ug/m<sup>3</sup>, with the objective level at 40 mg/m<sup>3</sup>. PM 10 and PM 2.5 were predicted to be that 50 % of the relevant air quality objective.

All changes to NO<sub>2</sub>, PM10 and PM2.5 as result of the development were predicted to be negligible using the Institute of Air Quality Management (IAQM) descriptors.

#### *Dust from Construction Phase*

In accordance with IAQM guidance, dust soiling risks were considered to be medium in relation to people and property and low to human health.

The dust assessment found that where effective dust mitigation measures are implemented, dust effects on nearby receptors were considered to be not significant.

### *Conclusions*

The detailed air quality assessment did not identify any likely exceedances of Air Quality Objectives as a result of the proposed development. Therefore, have I no adverse comments to make regarding air quality, in relation to the proposed development.

However, clarification is required from the applicant regarding whether committed developments are included within the traffic assessment and air quality assessment to ensure that cumulative impacts are considered.

5.8 Public Rights of Way Team – no objection.

5.9 Economic Development Team – comment

5.9.1 22/8/2025 – In light of the additional information and further responses made on planning application number 242783, the Economic Development Team would like to update our response to reflect this, and whilst our response is still supportive of the overall application, we wish to amend our comments on the healthcare from supportive, to neutral.

Whilst reviewing our original response, I noted a typo with respect to the use classes we referred, so can I also take the opportunity to update the fourth paragraph which started with ..... This planning application is also in line with Policy EE1.2 and replace with....

Sensitive proposals for employment or services falling within Use Classes E(e), E(f) and E(g), and hotels within Use Class C1 will be encouraged on land amounting to 1.6 hectares opposite the Full Pitcher and east of Dymock Road, identified on the Ledbury Town Policies Map (Map 11).

5.9.2 18/2/2025 - Alongside the buildings there would also be “significant” landscaping and tree planting, as well as electric car charging points and cycle parking. The site is near bus stops, which will help ensure residents are able to access the site by cycle or bus”.

The Economic Development Team supports this planning application which will create 40 jobs, which is in line with Policy E1 - Employment Provision which states that the focus for new employment provision in Herefordshire is to provide a range of locations, types and sizes of employment building to meet the needs of the local economy.

This planning application is also in line with Policy EE1.2 (Small Employment Sites Within and Adjoining the Town) which states ‘Sensitive proposals for employment or services falling within Use Class E(e) medical services and Class F9f) a nursery. Likewise, the policy includes other uses e.g. retail/foodstore.

From an economic development perspective, this application presents an opportunity to invigorate the local economy and enhance the overall quality of life for residents, by expanding the provision of childcare, medical services and retail in the local area.

### *Economic Impact Assessment*

#### **Job Creation and Workforce Developments:**

The proposed food store is projected to create a substantial number of job opportunities, not only during the construction phase, but also upon its completion. This development will likely result in the hiring of various positions, from entry-level roles to managerial and specialised positions. By



supporting a diverse range of employment opportunities, we can engage local residents, thereby reducing unemployment rates and increasing household income levels within the community.

#### Increased Local Economic Activities:

With the establishment of a new food store, there will be an anticipated increase in foot traffic in the area. This influx will encourage additional patronage of nearby businesses, potentially leading to a multiplier effect that stimulates the local economy. Increased local spending can significantly enhance the viability of existing businesses, attracting further investment in the region and fostering a diverse economic ecosystem.

#### Support for Small and Local Businesses:

A new food store contributes to a more competitive retail environment, which can benefit smaller local businesses by driving greater overall demand for local goods and services. The increased consumer choice will foster innovation and improvement in customer service standards across the board.

#### Diversification of Services:

The inclusion of a day nursery and medical centre, alongside the food store, is particularly crucial for economic development. Access to quality childcare services is a key factor in attracting and retaining families in the area, positively impacting workforce participation rates. Additionally, the medical centre will enhance the appeal of Ledbury as a place to live and work, ensuring that residents have access to necessary healthcare services without traveling significant distances.

#### Economic Resilience and Sustainability

##### Sustainable Growth:

This development is aligned with strategic goals for sustainable economic growth within Ledbury. By creating a mixed-use site that combines retail, childcare and healthcare will help to promote a more resilient local economy. It ensures that essential services are available locally, which can mitigate economic shocks and enhance the community's overall stability.

##### Attracting New Residents:

The availability of essential services such as childcare and healthcare can make Ledbury more attractive to new residents and businesses. As families seek communities with comprehensive amenities, the proposed development can position Ledbury as an appealing destination for prospective homeowners and businesses looking to relocate.

##### Potential for Future Developments:

The introduction of these facilities can act as a catalyst for further economic development initiatives in the area. Success in this project could pave the way for additional investments in infrastructure, housing, and community services, creating a virtuous cycle of growth and enhancement for Ledbury's economy.

In summary, planning application PP-13488832 represents a strategic investment in the economic future of Ledbury. The proposed food store, day nursery, and medical centre are not merely additions to the landscape; they are essential components of a thriving economic ecosystem that will improve residents' quality of life, while fostering community resilience and economic vitality.

#### 5.10 Land Drainage (Lead Local Flood Authority) – comment;

5.10.1 24/3/25 - In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Submission of detailed drainage design drawings/construction plans for both the proposed
- surface and foul water drainage systems. The foul drainage design will need to be developed in conjunction with Severn Trent Water.

- Confirmation of acceptance of the proposed surface water discharge to the public surface water
- sewer from Severn Trent.
- Confirmation of the proposed adoption arrangements in line with the above advice

The full comments are accessible via the Herefordshire Council website.

5.11 Retail Planning Consultant (Nexus Planning) – Herefordshire Council has utilised the services of experienced expert Retail Planning consultants to provide retail advice on the current application. Their iterative comments of September 2023 are contained at **Appendix 1(a-c)** of this report.

5.12 Welsh Water – comment

5.12.1 2/1/25 - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

#### SEWERAGE

Dwr Cymru Welsh Water does not provide sewerage services in this area and therefore have no comment to make with regards to foul flows.

#### WATER SUPPLY

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

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.

5.13 Severn Trent – comment;

5.13.1 8/1/25 - With reference to the above planning application the Company's observations regarding sewerage are as follows.

Severn Trent requests that any approval be conditioned as follows:

- 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.
- Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

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

**IMPORTANT NOTE:** With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

**Suggested Informative – affected sewers and water mains**

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing our records at [www.digdat.co.uk](http://www.digdat.co.uk) Severn Trent Water advise that even if our statutory records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011.

Our records indicate that there are no assets that may be affected by this proposal, however it is the duty of the site owner to confirm this is the case before any work takes place.

Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently you must contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the proposed building

5.14 Hereford and Gloucester Canal – no response.

5.15 Herefordshire and Worcestershire Integrated Care Board – comment;

5.15.1 23/2/25 - Our response to the above consultation is as follows:

Currently, Ledbury Health Partnership is the sole GP practice in Ledbury and they occupy 3 buildings in the town. All sites have leasing arrangements that are coming to an end over the next 2 to 3 years and the ICB is working with the practice to explore options for the provision of sustainable premises for the future.

The current planning application, if approved, will provide an additional option that can be explored as part of the appraisal process – however this would be subject to being able to secure additional revenue and capital investment.

## **6. Representations**

6.1 Ledbury Town Council

6.1.1 10/3/25 –

A Ledbury Town Council response taking into account the policies of the Ledbury Neighbourhood Development Plan 2021- 2031 which was adopted in June 2023.

The text includes only relevant extracts from the Local Plan and NDP to put its responses into context. LTC acknowledges the local enthusiasm for aspects of this application, but LTC and planners have to base decisions on policy and evidence.

LTC considers that the planning authority's decision that the applicant's previous proposals for the development of this site (P201718) would cause harm to the town centre and its economy - which was upheld at appeal - also applies to this new application, and for similar reasons.

### **Viability and Vitality of the Town Centre**

Herefordshire Council updated its Town Centre and Retail Assessment (Herefordshire Town Centre and Retail Assessment September 2022) in 2022.

The assessment suggests that Ledbury may need a minimum of 900m<sup>2</sup> convenience retail space at 2041. However, this proposal intends providing that scale of additional retail space at least 15 years sooner.

The assessment shows significant decline in comparison goods turnover in Ledbury over the past 10 years – even when compared just to other town centres in the county. Conversely, with the opening of the Aldi store, the town is retaining 91% of its catchment convenience goods market share.

This indicates that there is very little retail leakage in this market sector for a new discount food retailer to claw back. Meaning that the applicant's convenience goods turnover – underestimated (based on trading figures quoted in the Herefordshire Council 2022 assessment for existing discount food retailers elsewhere in the county) at £8.2m p.a. across 880m<sup>2</sup> of floorspace – will inevitably be removed from the town's existing convenience goods retailers. These include the edge of town supermarkets (Tesco & Coop) which currently do contribute positively to linked trips on foot to the town centre in a way which the proposed out-of-town development will not.

The applicant proposes 20% of their retail floorspace (220m<sup>2</sup>) to be dedicated to a continuously changing mix of comparison goods which will compete with many of the independent comparison retailers in the town centre.

The recent change of use permission for the current Homebase premises to become a HomeBargains has increased the approved convenience and comparison retail area on another out-of-town site. The impact of this permission in taking account of the assessed retail growth potential needs to be carefully considered.

The proposed medical centre will further detract from town centre footfall, were it to go ahead. The Ledbury NDP states that it is preferred for healthcare services to continue to be accessed in the town centre.

Policy E5 of the Local Plan states development outside the town centres will only be permitted if it can be demonstrated that the requirements of the sequential test have been met (set out in the NPPF) and that the proposal would not have a significant adverse impact on the vitality and viability of the centres.

Policy LB1 states that: "Within Ledbury, new development proposals will be encouraged where they:

(2) maintain and enhance the vitality and viability of the existing town centre. Proposals for new retail, leisure or office development of over 400m<sup>2</sup> in gross floor space and located outside the town centre will need to be supported by an impact assessment to determine whether there could be any adverse impacts on the town centre;

(3) improve accessibility within Ledbury by walking, cycling and public transport, particularly where they enhance connectivity with, for example, local facilities, new employment areas and the town centre;

The application is not in conformity with Local Plan Policy E5 and LB1-2&3.

Although the retail element of the development is below the size triggering an independent retail impact assessment, according to the NPPF, LTC requests that such an assessment is commissioned by the Planning Authority in this case. Especially given the scale of the development with regard to the timing of the assessed likely future need.

### **Sequential Testing**

The Town Council acknowledges that sequential testing is mentioned by the applicant for the following sites: Recreation Ground, Ledbury Park, Bye Street Car Park. Previous supermarket applications in the town have been required to include the existing edge of town centre

supermarkets of Tesco and Coop in the sequential site testing. The Town Council is unclear why this has not also been the case for this application. Especially given the data provided regarding the level of under-trading by the Coop store which has only received investment in signage and minor cosmetic improvements over the last 10 years by its operator.

### **Site Access and Induced Vehicle Movements**

The Town Council is concerned that the proposed access to the site is not adequate with regard to its positioning with respect to the blind summit on the Dymock Road, with regard to sight lines for vehicles exiting the development and in the light of the significant underestimation of vehicle movements as a consequence of the three developments on-site: Lidl discount foodstore, Healthcare centre, Children's Nursery.

The Herefordshire Council Retail Assessment (2022) estimates the turnover by floorspace of supermarkets across the county on the same basis for Aldi and Lidl as is used for the other supermarket retailers. This approach is unsound, and is borne out by the comments in Lidl's own retail assessment (<https://myaccount.herefordshire.gov.uk/documents?id=8cd6bd62-b872-11ef-9089-005056ab11cd>) which states (para 3.1.2) that in 2008 the Competition Commission in its Groceries Market Investigation Final Report made it clear that Lidl, Aldi and Netto – collectively referred to as Limited Assortment Discounters (LADs), traded under very different business models which did not bear direct comparison to the main grocer supermarkets trading in the UK.

This is also demonstrated in the Herefordshire Council Retail Assessment (para 8.49-50) that the 5 LADs in the county have a benchmark turnover of £45.8m against an estimated survey derived turnover of £116.5m. Meaning that, on average, they are each overtrading by more than 250% compared to their originally expected turnover and against their grocer competitor supermarkets.

The reality of this overtrading is reflected in a much higher number of vehicle movements, which LTC do not believe are adequately reflected in the documentation supporting the application. LTC is concerned to ensure that the impact of the likely induced traffic on the local network is fully considered.

LTC is also concerned that there are presently no direct links proposed for footpaths and cycleways between the Barratt and Bovis/Vistry developments to the East of the proposed development, and that residents from these locations will be required to access the site via paths running adjacent to the very busy Leadon Way.

This is contrary to the requirements of the Local Plan and the Ledbury NDP for sustainable travel options and good connectivity to active travel networks.

### **S106 – Public Transport and Improvements to the Town Centre Public Realm**

LTC are concerned to ensure that suitable contributions are obtained to secure sustained public transport links between this development, the town centre and significant residential areas of the town.

Significant S106 contributions (£110,000) were made by Aldi to improvements to the Public Realm in the town centre to assist in offsetting the impact on town centre footfall, vitality and viability as a consequence of that out of town discount foodstore development.

If this development were to be granted planning permission, LTC would be expecting planners to be requiring a similar scale of S106 monies for further public realm improvements for the same reasons. Such improvements could include, but are not limited to:

- Resurfacing, planting, improved lighting, demountable bollards and improved car park layout in St Katherine's Car Park



- Replacement of grit paths around the Masters House to provide all weather surfaces which enhance the visitor experience and do not damage the interior flooring of local heritage buildings
- Public Conveniences at the Recreation Ground and Queen's Walk access point to the Town Trail.
- Improved paving, pavement widening, shared space schemes and reduced level changes in the town centre to improve accessibility and safety for visitors.

### **Surface Water Handling**

LTC is concerned to see that, as a consequence of this currently 100% infiltration draining site becoming almost 100% impermeable under the proposed development plans, the handling of surface water drainage is proposed to be via subsurface attenuation tanks scaled to a 1 in 100yr rainfall event +45% climate change allowance and draining at an assumed green field drainage rate of 5.8l/s into the public sewer.

It is evident from local experience in recent years, that even 100% grass covered fields are being overwhelmed with the increasing scale and intensity of heavy rainfall events which are then causing run-off onto the highway. In addition, the operation of the Barratts site has shown that the existing grey water handling infrastructure is unable to handle even the attenuated run-off rates from just the development to the south of Leadon Way that has so far taken place – let alone that given permission to come forward. And that is without this application site being developed at all.

LTC fear the benchmarks currently set for drainage provision are inadequate to cope with the reality of current and future rainfall events and that a 1 in 1,000 year provision for the handling of surface water for this development at the bottom of a significant incline which is already entirely slated for development, should be applied as an appropriately prudent measure.

In addition, that the proposal for handling surface water via sub-surface attenuation tanks is closely reviewed by officers as regards scale and suitability, and conditions applied that ensure permanent, proactive management and maintenance of the system is assured.

### **Ledbury NDP**

LTC is concerned, that as stated in the planning policy comment sections, the application does not adequately address the Visions elements 1,7 and 8 (critically and especially) of the Ledbury NDP.

*1. Preserve and Develop Prosperity As a prosperous market town, Ledbury will continue to be a vibrant, thriving community, both socially and economically, with an attractive, well managed and safe built environment in sympathy with the surrounding natural landscape. The town will continue to be a popular destination as an attractive place to shop for residents, the local rural community and visitors, with a successful tourist industry celebrating the town's heritage.*

*7. Preserve Environment Ledbury will have a defined settlement boundary which respects the constraints of topography, and protects and conserves Malvern Hills AONB, the River Leadon and its Riverside Park, and land to the south-west that meets present and future recreation needs. Sustainable transport options such as walking and cycling, will be encouraged and public transport and disabled access provisions enhanced in priority over vehicular traffic.*

*Easy footpath network access to the surrounding countryside and beyond will be improved and maintained. The Malvern Hills AONB is the backdrop to the town and all development will be complementary to the landscape and the views. Design sensitivity and sustainability is given a high priority in all forms of development.*

*Green space will be protected, biodiversity networks strengthened, and geodiversity preserved while the town's relationship with the open countryside will be strengthened through the prioritised use of urban trees, landscaping and decorative planting throughout all developments. Natural assets will be maintained and enhanced to mitigate and adapt to climate change. There will be*

*the opportunity to create local green corridors and enhancement zones under a green infrastructure strategy for Ledbury and its surroundings. This will include a 'green corridor' along the safeguarded route of the projected Gloucester and Hereford canal reinstatement, largely following the route of the River Leadon.*

*8. Nurture the Town Centre Ledbury's role as a prosperous market town with a diverse economy, including a burgeoning tourist industry, will be protected and enhanced, while the heritage of the town will be preserved and celebrated. The town will cherish and nurture its vibrant retail core and grow its reputation for markets and festivals. Traders will be encouraged to provide a wide range of products, in order to enhance the standing of Ledbury as a prime visitor destination. Increasing sustainability within the town will mean that Ledbury steadily gains the reputation for being a 'Green Town'.*

Although LTC acknowledges that the applicant has satisfactorily covered perhaps the majority of the sustainable design requirements, the council is not convinced these are all sufficiently reflected in the application, particularly requirements b, d, e, f and g.

*b) Seeking on-site measures that support energy conservation such as through tree planting and other forms of green infrastructure to provide shade and shelter, where this does not cancel solar gain.*

*d) Minimising the use of artificial light to limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation, and to reduce energy consumption.*

*e) Enabling a sustainable drainage system, including where this would increase resilience to buildings, infrastructure, and businesses at risk of increased flooding; promote biodiversity; improve water quality; and enhance amenity. The maximum use of permeable surfaces is encouraged.*

*f) Reducing the carbon intensity of development proposals (embodied carbon<sup>8</sup>), minimising construction traffic and reducing waste.*

*g) Supporting proposals that utilise construction materials produced as locally as possible, minimising travel distances.*

As shown on Map 6 of the NDP, this application site sits squarely in the Herefordshire Council's Green Infrastructure Strategy for Local Strategic Corridors (LSCs) and Local Enhancement Zones (LEZs) for Ledbury. Appendix 2 of the HC strategy defines objectives for these corridors and zones, including for additional areas identified through further analysis and supported by the local community.

These are delivered by the NDP and supported by a very comprehensive 300-page Ledbury NDP Landscape & Visual Baseline Assessment Report January 2022 providing the evidence for stipulating these zones and their enhancement in the NDP. All the policies shown above have relevance to planning applications which affect these corridors.

The site is central to LedLSC2 of the strategy, as enhanced in the NDP; central to LedLEZ2 as enhanced in the NDP; and adjacent to a new LedLEZ4. As such it is one of the key focal points for ensuring continuity of the corridors for wildlife benefits across the NDP domain.

Although LTC acknowledges that the application does a great deal to reflect environmental planning requirements, it simply fails recognise or address the strategic implications and significance of the corridors in any way and does not show how the development will satisfy the relevant policies or the corridor objectives in the Local Plan.

## **Conclusion**

LTC remains concerned at the likely impact this development will have on the town centre, both in terms of retail impact and in terms of reduced overall footfall. The council requests an independent retail impact assessment be commissioned to assess the impact of recent retail permissions and the likely impact of the proposed development.

A significant S106 contribution to town centre and public realm enhancements to mitigate the impact of the development would be required if the development were to be approved.

The council recognises that the ICB and local healthcare providers are slow in addressing the need for increased healthcare provision in the town to match and meet the needs of residents as the significant housing extensions become built out. However, an out-of-town location for those services is incompatible with the NDP.

A significant S106 contribution to town centre healthcare provision would be welcomed.

Additional nursery provision in the town is welcomed.

Site access and connectivity to walking/cycling and public transport networks is wholly inadequate. Induced traffic is significantly underestimated (as is likely turnover and consequent retail impact).

The approach to the handling of surface water may be inadequate to meet the need induced by the scale of impermeable surface area on-site and requires more detailed consideration

## 6.2 Pixley Parish Council – support

6.2.1 25/1/25 - Whilst the above application does not fall directly within this Parish's remit Ledbury is our residents shopping and health primary resource, (neither of which exist within our Parish), and therefore we would wish to make the following comments.

Additional shopping services, particularly with good car parking improves choice and competitiveness for consumers plus the proposed location allows for easy access from our Parish and the surrounding areas.

The Parish Council strongly supports the need for improved Community Health Services in the area. The current provision does not meet the needs of a growing population with many of our residents currently having to travel 20-30 minutes to Fownhope, therefore we welcome the proposal for a health centre in Ledbury in addition to the existing services. The proposed location and car parking again allows for easy access from our Parish and the surrounding areas.

The Parish Council accept that at this stage it can only be outline approval, as full approval can only be sought once the detailed plans have been agreed in accordance with NHS specifications. Outline approval is an essential first step in the process.

Therefore, the Parish Council strongly supports the above planning application.

## 6.3 Site Notices / Press

6.3.1 21 representations received in objection to the application. The comments can be summarised as follows;

- Lidl would divert trade from Ledbury High Street, threatening independents, anchor stores (Tesco, Co-op), and town centre vitality.
- Out-of-centre foodstores historically harm market towns; this repeats national patterns.
- Previous 2022 appeal for the same site was dismissed for identical reasons; no material change since.

- Vacancy rates are rising (9.3% to 11%); loss of independents risks decline, antisocial behaviour, and an irreversible hollowing-out.
- Profits would leave the local economy (Lidl HQ in Germany), unlike local independents.
- Conflicts with LNDP Policy EE3.2 and Core Strategy Policy E5, plus NPPF para 95 impact test
- Site allocated for employment land (Class E(e), (f), (g)), not food retail.
- Application therefore conflicts with local plan policy, Ledbury NDP, and Herefordshire Council's Climate Emergency commitments.
- Ledbury NDP vision explicitly seeks to nurture the town centre, protect heritage, and support independents.
- Economic Development support for jobs ignores offsetting job losses elsewhere.
- Proposed health centre is outline only, with no NHS funding or staffing guarantees; risk it is a "sweetener" that may not materialise.
- Possible replacement, not addition, to the existing centrally located Market Surgery -less accessible for elderly and less mobile residents.
- Lack of patient consultation; data from Market Surgery should inform needs assessment.
- Alternative suggested: relocate fire station and repurpose current town-centre site for healthcare.
- Nursery location problematic (beside busy road and plant room), exposing children to air/noise pollution.
- Community facilities would be better sited in the town centre to allow linked trips (e.g., chemists)
- Site reliant on car use; public transport is limited/unreliable.
- Active travel connectivity poor: Town Trail degraded, busy roads unsafe, key direct link to Hawk Rise estate missing.
- Cycling provision inadequate: shared paths where segregation is needed, poorly located/insufficient cycle parking.
- Proposed toucan crossing may worsen congestion; wider active travel improvements absent.
- Narrow B-road access unsuitable for increased traffic volumes.
- Significant increase in traffic poses risks to pedestrians (children, elderly, cyclists) and adds congestion near care homes and residences.
- Unrestricted HGV delivery hours raise concerns over noise, light pollution, and safety, replicating problems with nearby industrial uses.
- Inconsistent with earlier refusal of Hawk Rise housing due to proximity to industry and amenity impacts.
- 78% of site hardstanding increases surface water runoff; flood risk assessments outdated (pre-Autumn 2024 flooding).
- Pollution risk to River Leadon from additional impermeable surfaces.
- Landscaping/hedgerow management concerns, referencing poor maintenance on Dymock Road.
- Ledbury already has three supermarkets (incl. Aldi within 500m); no unmet need demonstrated.
- New Home Bargains store recently approved; cumulative impacts on town centre underestimated.
- Objectors note Sainsbury's/Waitrose/Asda would provide broader choice without same level of duplication.
- Economic decline for independents outweighs claimed 40 job creation at Lidl.
- Hotel or small business uses (as per NDP) would better align with town's needs.

6.3.2 39 representations received in support to the application. The comments can be summarised as follows;

- Ledbury's population is growing rapidly from new housing; existing GP facilities are already at or beyond capacity.
- Current single surgery suffers from long waits, split services across multiple sites, and limited parking, creating inefficiencies and access difficulties.

- Lack of space restricts recruitment, training of new GPs, and expansion of services.
- A purpose-built facility would consolidate care, expand capacity, and support sustainable healthcare.
- The lease on the current practice is nearing expiry, adding urgency.
- Ambiguity remains whether the proposed centre supplements or replaces the existing surgery; replacement would reduce accessibility for elderly town-centre residents.
- Healthcare must be delivered alongside improvements to transport and pharmacy provision.
- Pharmacies are overwhelmed (prescription waits now up to 7–10 days); a new dispensing chemist is required, ideally integrated with the new centre or supermarket.
- Public transport to the site is inadequate; reliance on overstretched community transport is unsustainable. Hopper bus service suggested.
- Proponents argue another supermarket is needed due to overcrowding at Aldi, with little evidence of harm to small shops from its presence.
- Location by new housing estates may reduce town-centre traffic, with access largely via bypass.
- Job creation and infrastructure investment seen as benefits for new residents.
- Solar panels on the supermarket and nursery welcomed; concern raised that the T-shaped medical centre design may reduce efficiency—recommend design adjustment.
- Strong recognition of critical healthcare need and imbalance between new housing growth and inadequate infrastructure.
- Support expressed for the Lidl scheme insofar as it delivers a well-located, purpose-built medical centre with adequate parking and integrated services
- Council urged not to miss this opportunity to provide essential facilities for community wellbeing and long-term sustainability.

6.3.3 Six representations received neither in support or objection to the application. The comments can be summarised as follows;

- Doubts over extent of proposed green infrastructure and adequacy of screening.
- Lack of wildflower grass areas and small trees in the supermarket car park.
- Concern about light pollution, especially near residential areas and care home.
- Question over hedgerows being evergreen or deciduous, and their effectiveness in winter.
- Protection needed for existing bat boxes at Hawks Rise open space.
- Flood issues already present at the northern site/Full Pitcher roundabout.
- Access should be taken from A417 Leadon Way, not Dymock Road.
- Proposed toucan crossing is too close to the roundabout, with potential safety/traffic impacts.
- A pedestrian link should be provided from Hawks Rise estate.
- Concerns over construction and delivery traffic affecting neighbouring residential areas.
- 88% of residents want the medical centre to remain in the town centre.
- Uncertainty whether the facility is an additional centre or a replacement; poor location if the latter.
- No detailed application submitted for the health centre; concern it may be a token gesture.
- Risk that if details don't come forward, the facility won't materialise.
- Nursery ownership unclear; location next to A417 raises safety and noise concerns.
- Care home residents could be disturbed by nursery activity
- A foodstore is seen as needed, but scale questioned; submission underplays importance of Co-op and Tesco for town centre vitality and parking.
- Design and Access Statement mistakenly references Planning Policy Wales, not local policy context.
- Rapid EV charging points should be sited safely, away from flammable surroundings.
- Measures needed to prevent pedestrians cutting through Hawks Rise open space.

## 7. OFFICER APPRAISAL

### Principle of development



- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the development plan comprises the Herefordshire Local Plan – Core Strategy (2011–2031) (Core Strategy) and the Ledbury Neighbourhood Development Plan (2023) (NDP). The National Planning Policy Framework 2024 (NPPF) is a material consideration in decision-making.
- 7.2 As a starting point, national and local policy seek to promote sustainable economic growth, support the vitality of existing town centres, and direct appropriate uses to appropriate locations. Chapter 6 of the NPPF outlines the Government’s commitment to creating the conditions in which businesses can invest, expand, and adapt. This includes supporting economic development and employment-generating uses, provided they are in suitable and sustainable locations.
- 7.3 Chapter 7 of the NPPF sets out specific guidance in relation to ensuring the vitality of town centres. It encourages local planning authorities to support the role of town centres as the heart of their communities, promoting their long-term vitality and viability. The NPPF clearly states that proposals for ‘main town centre uses’ which include retail and office development, should be located within town centres in the first instance. This is reinforced through the application of the sequential test, which prioritises town-centre locations, followed by edge-of-centre sites, with out-of-centre sites only considered where suitable sites in more sequentially preferable locations are not available or viable.
- 7.4 At the local level, Policy E5 of the Core Strategy requires that development proposals contribute positively to the vitality and viability of existing centres, particularly Hereford and market towns across Herefordshire, without adversely impacting the town centre’s primary retail function. It also stipulates that main town centre uses proposed outside of defined centres must be subject to a sequential assessment to demonstrate that no suitable town-centre or edge-of-centre alternatives exist.
- 7.5 Policy LB1 of the Core Strategy sets out a strategic approach to the growth of Ledbury, supporting development that maintains and enhances the vitality of the existing town centre. Crucially, it states that proposals for new retail or office development with a gross floorspace exceeding 400m<sup>2</sup>, and which are located outside of the defined town centre boundary, must be supported by an impact assessment to evaluate potential adverse effects on the vitality and viability of the town centre.
- 7.6 Since the previous appeal decision, there have been material changes in the policy context and the evidence base. The adoption of the updated Ledbury NDP in June 2023 is particularly significant, as it forms part of the development plan and provides further spatial clarity. It represents a material change given that the primary shopping frontage and defined town-centre for Ledbury is now more extensive, taking in the Co-op store which was previously not included.
- 7.7 Furthermore, in defining the boundary of Ledbury’s town centre, Policy EE3.2 makes it clear that the site does not lie within the town-centre or the primary shopping frontage. As such, and having regard to the definitions provided in Annex 2 of the NPPF, the site is considered to lie in an out-of-centre location. This triggers the requirement for both the sequential test and, given the scale of the proposed foodstore, an impact assessment under both Policy LB1 of the Core Strategy and Policy EE3.2 of the NDP.
- 7.8 It is also relevant to note that the current application follows the refusal and subsequent dismissal at appeal of a previous, similar scheme on this site (APP/W1850/W/21/3279731, decision dated 21 September 2022). The Inspector’s decision focused on the retail impact of the development, finding that the previous proposal would have a significant adverse effect on the vitality and viability of Ledbury Town Centre. The Inspector also noted the absence of a binding commitment to deliver the associated medical centre, which was presented as a benefit of the scheme.

- 7.9 Since the appeal decision, the published Herefordshire Town Centre and Retail Assessment (September 2022) now provides evidence of both quantitative and qualitative need for additional convenience retail provision in Ledbury. The assessment identifies a clear quantitative requirement for new foodstore floorspace in the town, with existing stores operating above benchmark levels and capacity (between 900 and 1,600 sq.m by 2041) for at least one further discount foodstore. Qualitatively, the evidence highlights the benefits of improving consumer choice, addressing overtrading, and supporting the needs of a growing local population. The proposed development could therefore help to meet these identified needs, reduce the need to travel further afield for main food shopping, and enhance the overall quality and accessibility of retail provision for Ledbury residents. This represents a significant material consideration in support of the application and reflects the material changes since the dismissed appeal.
- 7.10 Whilst the site is supported for Use Classes E(e), E(f) and E(g), and hotels within Use Class C1, it importantly does not explicitly preclude other uses. Furthermore, Paragraph 127a of the NPPF states that applications for alternative uses on the land (allocated for certain uses) should be supported, where the proposed use would contribute to meeting an unmet need for development in the area. The 2022 Herefordshire Town Centre and Retail Assessment (HTCRA) identifies a clear unmet need for retail provision within the area. In this context, retail use on the site can be supported, subject to compliance with the sequential and impact tests.
- 7.11 The current application proposes a smaller foodstore (1,100 sqm net sales area, compared to 1,347 sqm previously). It is supported by a Retail Impact Assessment which takes account of the latest retail evidence, including the 2022 HTCRA. The application also includes a proposed Section 106 agreement which is intended to secure the delivery of the medical use / centre, which was a key area of uncertainty in the previous appeal.

#### Sequential Test

- 7.12 The NPPF and Policy E5 of the Core Strategy require that the sequential approach to site selection should be applied to all development proposals for main town centre uses that are not in any identified town-centre and not in accordance with an up-to-date development plan. The NPPF further requires that applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.
- 7.13 As part of a sequential assessment the applicant is required to set out their site/unit requirements and national policy requires that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The applicant's Planning & Retail Statement states that principally, the applicant requires a site that can accommodate a store in excess of 1,100 sqm gross- and that a minimum 0.5ha would be required in this regard; approximately 100no adjacent surface level parking spaces. The area of search comprises Ledbury. The LPA is of the view that the parameters set for the Sequential Test are sufficiently flexible.
- 7.14 The LPA has reviewed the applicant's sequential site assessment and agrees with the conclusions reached. Three alternative sites have been considered. The first, Bye Street Car Park, is a 0.15ha site currently in use as a public car park. It is constrained by its small size, surrounding built development, and there is no evidence that it is available or being marketed. It is concluded that this site is neither suitable nor available for the proposed development, even when allowing for an appropriate degree of flexibility.
- 7.15 The second site assessed is Ledbury Park, which lies wholly within the Malvern Hills National Landscape, and is subject to environmental and heritage constraints, including the presence of Tree Preservation Orders (TPO). The site forms part of the town's historic parkland and also remains in active public use. With these factors in mind, it is not considered to be a suitable or available location for the proposed development.

- 7.16 The third and final site, the park at Orchard Lane, comprises approximately 0.9-hectares of open space currently used for recreational purposes and includes football pitches. The site is understood to be in the ownership of Herefordshire Council, although is not being actively marketed and remains in public use. It is subject to planning policy protections against the loss of open space. As such, it is concluded that this site is not suitable or demonstrably available for the proposal.
- 7.17 In addition to these sites, the applicant has also considered existing vacant units within Ledbury town-centre. The Council's retail consultant agrees with the conclusion that none of these units are of sufficient size or configuration to accommodate the proposed development; the LPA have no evidence or substantive reason to reach an alternative view on this point.
- 7.18 It is important to note that the sequential test was a key consideration in the previous appeal decision (APP/W1850/W/21/3279731). At that time, the Inspector accepted that there were no sequentially preferable sites available, suitable, and viable for the proposed development, and this matter was not in dispute at the hearing. The current application maintains a similar approach, and the updated assessment confirms that no new sites have become available since the previous decision.
- 7.19 A key change in the current proposal is the reduction in the size of the foodstore (now 1,100 sqm net sales area, compared to 1,347 sqm previously), which has been reflected in the sequential site assessment. The applicant and LPA have demonstrated flexibility in format and scale, as required by national policy.
- 7.20 In summary, the sequential test is considered to be satisfied, and the position remains consistent with the Inspector's previous findings. However, it is essential that the officer report clearly sets out this continuity and explicitly references the Inspector's conclusions, to demonstrate that this key policy test has been robustly addressed in light of the site's planning history.
- 7.21 Taking the above into account, it is concluded that there are no sequentially preferable sites within, or on the edge of the town-centre that are both suitable and available to accommodate the proposed development.

### Impact Assessment

- 7.22 Paragraph 94 of the NPPF states as follows;

*"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:*

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

- 7.23 In this case, Policy LB1 of the Core Strategy sets a local impact threshold of 400m<sup>2</sup> gross retail floorspace, which applies to proposals for new retail (and other) development in Ledbury. The proposed development exceeds this threshold, and accordingly, a Retail Impact Assessment (RIA) has been submitted by the applicant. The RIA has been updated during the determination period in response to officer feedback, updated retail evidence, and third-party representations including a detailed objection submitted by the Co-operative Group in relation to the potential impact on its town centre store.

- 7.24 The proposed development comprises a new discount foodstore to be operated by Lidl, providing a predominantly convenience goods offer with a smaller proportion of comparison goods. Due to the nature of the discount model, which offers a limited range of goods and does not replicate the full-line offer of large supermarkets or town-centre and on retailers, the proposal is not expected to compete directly with existing town centre comparison retailing.
- 7.25 The applicant's revised RIA assesses both the opening year (2027) and design year (2029), using the 2022 HTCRA as a baseline. It also incorporates the latest GlobalData (March 2025) sales density benchmarks, which reflect updated turnover assumptions. These revisions represent a conservative, worst-case scenario in terms of impact and have been reviewed by the Council's independent retail consultant, who confirms that the methodology is appropriate and is consistent with best practice.
- 7.26 The revised assessment incorporates committed developments, notably the approved Home Bargains store at New Mills Industrial Estate (241353 refers). The applicant has accounted for the turnover and trade draw of this scheme, which benefits from planning permission.
- 7.27 The most notable individual impact is expected to fall on the Tesco and Aldi stores (-12.5% and -11.9%, respectively), which lie outside of the town centre boundary as defined by the Ledbury NDP (Policy EE3.2). The Co-op, which since the updated Ledbury NDP – does now fall within the town-centre, is forecast to experience an impact of -8.4%. Other town centre stores, including Spar, One Stop, and independent convenience shops, are projected to experience impacts in the region of 7% to 12%.
- 7.28 Ledbury continues to benefit from a diverse retail offer, a relatively low vacancy rate (11% as of October 2024) which is below the UK average, and a strong mix of independent and national retailers. The town centre's vitality and viability are supported by its wide commercial base, and there is no evidence at the present time which suggests that the proposal would undermine planned or committed investment in Ledbury town-centre.
- 7.29 While the assessment is based on robust data sources and accepted methodologies, it is acknowledged that desktop-based studies may not always capture the full nuance of local trading conditions. The inclusion of now-closed outlets such as Abbey Bakery in the 2022 Survey reflects local naming conventions and historical associations. The Local Planning Authority are satisfied that any spend attributed to such outlets can be assumed to have been redistributed across the wider town-centre convenience offer, and that the overall turnover figure remains appropriate for assessing cumulative impact.
- 7.30 Furthermore, a significant majority of trade diversion, is expected to be drawn from existing out-of-centre stores such as Tesco and Aldi. These stores are not afforded policy protection because they are not located within the aforementioned defined town-centre. The Council's HTCRA 2022 does highlight both a qualitative and quantitative need for additional discount foodstore provision in Ledbury, which this proposal would help meet.
- 7.31 Concerns raised by the Co-op regarding store viability and potential effects on linked trips within the town centre have been fully considered and independently assessed (as set out in Appendices 1a – 1c). While some linked trips may be lost, the town centre's health, with a wider offer including cafés, services, and independent shops, is very likely to continue attracting footfall. Moreover, some linked trips may still occur by car or be substituted by other types of visits. This reflects the Inspector's previous concern that linked trips, particularly those associated with the Co-op and Tesco play a role in supporting town centre vitality. However, the updated Retail Impact Assessment and independent advice from the Council's Retail Planning Consultant confirm that the scale of diversion is moderate and that the town centre is sufficiently resilient to absorb any reduction in linked trips without material harm.

- 7.32 It is noted that the previous application on this site (APP/W1850/W/21/3279731) was dismissed at appeal in September 2022, with the Inspector concluding that the proposal would result in a 'significant adverse effect on the viability and vitality of Ledbury Town Centre'. The Inspector's concerns focused principally on the level of trade diversion from key town centre stores, including independent retailers, and the risk of undermining the town centre's role as the primary shopping destination for local residents.
- 7.33 In response, the current proposal has been revised to reduce the scale of the foodstore – and in turn resulting in a reduced turnover. Furthermore the Council's Retail Planning Consultant concludes the following points;
- *the vitality and viability of Ledbury town centre was good and the vacancy rates did not represent a cause for concern;*
  - *the Tesco and Aldi stores continue to trade above their respective benchmark averages. However, the Co-op store was identified to trade below benchmark, and lower than the figure presented within the previous, refused planning application;*
  - *the proportion of identified linked trips between the existing Tesco and Co-op stores to the wider town centre offer is limited; and*
  - *although not a policy test, the Study identified a convenience capacity within Ledbury of between 900 and 1,600 sq.m by 2041, indicating an under provision of convenience floorspace within the town.*
- 7.34 With the above in mind and the input of the independent assessment, it is considered that the overall impact on the vitality and viability of Ledbury Town Centre is not judged to be significantly adverse.
- 7.35 In conclusion, having regard to the methodology used, the scope of the assessment, the inclusion of cumulative schemes, and the independent review undertaken, there is considered sufficient level of satisfaction that the proposal would not result in a significant adverse impact on the vitality and viability of Ledbury town centre, nor on existing, committed, or planned investment in the centre. The proposal is therefore considered to comply with Policy LB1 and E5 of the Core Strategy, Policy EE3.2 of the Ledbury and the principles as set out at Paragraph 94 of the NPPF.

#### Medical Centre

- 7.36 Policy SC1 of the Core Strategy is broadly supportive of new community uses and facilities which includes education and medical services where they are appropriately located to the communities they serve.
- 7.37 The adoption of the updated Ledbury NDP represents a material change in the policy context since the Local Planning Authority and Planning Inspectorate determined the previous application for the site (201718 and APP/W1850/W/21/3279731 refers). This is because the application site is allocated as a small employment site adjoining the settlement boundary of Ledbury through Policy EE1.2 of the Ledbury NDP, adopted in June 2023. This policy supports the delivery of sensitive employment or service uses, specifically encouraging proposals within Use Classes E(e) (medical/health services), E(f) (day nursery), E(g) (offices, R&D, and light industry), and C1 (hotels).
- 7.38 The current proposal includes an outline element for a medical centre, which falls within Use Class E(e) of the Town and Country Planning (Use Classes) Order 1987 (as amended). This use class covers the provision of health services, including GP surgeries, dental practices, and health centres.
- 7.39 During consideration of the previous appeal, the Inspector acknowledged that a medical facility could contribute positively to the aims of Policies SD1.1 (Sustainable Development) and CL2.1 (Community Infrastructure) of the then-adopted Ledbury NDP. These objectives are now more



explicitly reflected in Policy EE1.2 of the updated plan, which supports such provision and specific use(s) on this site.

- 7.40 The need for a new medical facility is also supported by clear evidence of emerging local healthcare pressures. The Ledbury Health Partnership, the town's only GP practice, currently operates from three separate premises in the town centre. These are expected to close between 2027 and 2028 due to expiring lease agreements. NHS Herefordshire and Worcestershire has confirmed, in its formal consultation response to the application, that the site offers a potential location for future service provision, subject to securing the necessary revenue and capital funding.
- 7.41 While the proposal could therefore help facilitate a replacement or additional healthcare facility in Ledbury, the application does not specifically seek planning permission for a replacement of the existing GP practice which operates from Ledbury town-centre. As such, the Local Planning Authority must not assume that the new facility would deliver additional services, or that it would replace or directly relate to the existing town-centre provision. Moreover, the Use Class E(e) designation also allows for a range of medical and health-related uses and as such, does not guarantee that the facility would operate as a GP surgery open to the general public.
- 7.42 Whether the use of the medical centre could be restricted by condition to a GP surgery only has been considered. While this reflects *some* local aspirations, such a restriction would not be reasonable or enforceable in planning terms. The application explicitly seeks permission for a "medical centre" within Use Class E(e), which as stated above, encompasses a range of health-related services including GP surgeries, dental practices, physiotherapy clinics, and diagnostic centres. Conditions should not unreasonably restrict the use of land within a defined use class unless justified by a specific planning reason. In this case, it is considered that a restriction to GP use alone would not meet the tests of necessity, reasonableness, or enforceability under the NPPF. Furthermore, such a restriction could undermine deliverability, particularly given the evolving nature of NHS commissioning and the absence of a confirmed provider at this stage. The proposed Section 106 agreement provides a mechanism to secure the land for medical use, and prioritisation of GP provision could be explored through that route.
- 7.43 Deliverability of the proposed medical facility was also a concern raised by the Planning Inspector in the previous appeal, noting the absence of a binding mechanism to secure its development, despite indicative discussions with local medical providers having been documented.
- 7.44 To address this specific point, a material change in circumstances has now been introduced through a draft Section 106 agreement, which provides a legal mechanism to secure the transfer of land for medical use. The agreement requires the applicant (Lidl GB Ltd), who in fact now own, and is in control of the application site, to use reasonable endeavours to transfer the designated 'Medical Land', outlined in pink on the medical centre site plan (P409 rev E Proposed Site Plan GA Medical Centre refers), to a suitable medical provider within three years of the grant of planning permission. This transfer would be subject to the approval of a reserved matters application for the medical centre element of the scheme.
- 7.45 The land would be transferred freehold, at nil consideration, with absolute title and full title guarantee, and would include all necessary rights of access, services, and associated infrastructure to support the delivery and enable development and occupation for a medical use.
- 7.46 In the event that, after the prescribed three-year period, the applicant can demonstrate to the Local Planning Authority's satisfaction that all reasonable endeavours have been made but a transfer has not been secured, the obligation would fall away. This is considered to be a reasonable and proportionate mechanism that would support deliverability, while acknowledging that the applicant does not have control over third-party uptake of the land.

- 7.47 It is considered that this represents a significant improvement, compared to the previous scheme and directly responds to the Inspector's concerns regarding the lack of certainty around delivery of this specific element of the proposal. It provides a legal means to securing healthcare infrastructure at the site, in line with the aims of Policy SC1 and ID1 and Policy EE1.2 of the Ledbury NDP which now supports such a use on the site.

#### Nursery

- 7.48 The principle of the proposed day-care nursery is considered acceptable, since the site is identified through Policy EE1.2 of the Ledbury NDP for such a use, amongst others. With this being the case and the site situated within the settlement boundary whereby it would be well-placed to provide a welcomed facility for local residents, this element of the proposal can be supported.

#### **Siting, scale and design and impact on visual amenity and landscape character**

- 7.49 Core Strategy Policy LD1 requires that new development demonstrates how the character of the landscape and townscape has positively influenced its design, scale and siting, and that it conserves and enhances the natural, historic and scenic beauty of important landscapes and features.
- 7.50 Policy SD1 expects proposals to make efficient use of land, maintain local distinctiveness, safeguard amenity, and create safe, sustainable and well-integrated environments.
- 7.51 These principles are reinforced through the Ledbury NDP, notably Policies BE1.1, SD1.3, NE2.1 and NE2.2, which seek to ensure that development contributes positively to the town's character, landscape setting and visual amenity, including views from and towards the Malvern Hills National Landscape.
- 7.52 The NPPF, principally at Chapter 12 similarly emphasises the importance of high-quality, contextually responsive design and effective landscaping.
- 7.53 The site occupies a relatively prominent site which is situated to the southeast of the junction of the A417 Leadon Way, A449 Ross Road and B4216 Dymock Road / New Street, known as the 'Full-Pitcher Roundabout', owing to the public house of the same name which is situated to the north. With this in mind, it has previously been considered to serve a 'gateway' function to the town.
- 7.54 The site at present is relatively flat and laid to pasture; bound to most sides by established hedgerows. It is bound to the north by Leadon Way, the west by Dymock Road (and beyond is Hazel Park – an established commercial / industrial site). To the east is an established residential development of circa 320 dwellings, known as 'Hawks Rise'; (143116 & 212375 refers). As such, the site does feel enclosed and would not extend development southwards further than already exists. The site therefore reads as an infill vacant site within a developed built edge of town setting.
- 7.55 The proposed foodstore and childcare nurse details with regards their built form and curtilage areas are submitted in full.
- 7.56 The foodstore would be positioned to the northern side of the site, with its northern elevation flanking the boundary with Leadon Way, allowing for an 'r-shaped' car parking arrangement, wrapping around the west and south of the main building.
- 7.57 The design form, scale and mass is a template design utilised by Lidl. The store would feature a mono-pitch roof, with a projecting canopy along the main shopfront elevation. An entrance/exit

lobby is placed at the corner of the sales area on the southern elevation, and features a large glazed area.

- 7.58 As illustrated on the submitted elevation drawings shown at Figure 2, the main elevations would be finished in facing red-brick, with metal cladding at the higher level. The northern, Leadon Way elevation would be interspersed with green living walls, too. This would, with landscaping, avoid a monolithic and bland appearance along this corridor and would provide relief. This material palette is seen as appropriate and indeed an improvement on the previously refused application given the increased use of facing brick. Subject to securing details of the materials, the appearance should be acceptable.



**Figure 2 – Submitted elevation drawings front and rear (food-store)**

- 7.59 The roof design and material palette respond appropriately to the site's context, particularly in relation to the wider setting of the Malvern Hills National Landscape. While the building form is not bespoke, the proposal acknowledges its context, being viewed against existing employment and industrial buildings, and addressing Leadon Way.
- 7.60 In terms of the nursery - its design is befitting of its intended function, with the overall layout reflecting the functional requirements associated with the proposed use. This includes parking to the south and outdoor play space to the north. It would feature a full two-storey element with a pitched roof, reducing in scale to 1½-storeys along the southeast boundary adjacent to the housing development.
- 7.61 On the basis of the above, the design of the nursery is considered acceptable and represents an informed response to context which when combined with the landscaping proposal features both mitigation and enhancement of the site and locality.
- 7.62 The medical centre element is submitted in outline, with all matters reserved except for access. While detailed design, layout and landscaping are not for consideration at this stage, there is no evidence to suggest that a suitable scheme could not come forward which integrates effectively with the full elements of the proposal (foodstore and nursery), without causing undue harm to landscape character, visual amenity or the wider setting of the town. The indicative parameters and site arrangement suggest that the medical centre could be accommodated in a manner that complements the overall scheme and respects the site's sensitivities.
- 7.63 In terms of landscaping, these are considered to provide both mitigation and enhancement. The Council's Landscape Officer has confirmed that previous concerns have been addressed and raises no objection. The submitted Environmental Colour Assessment is welcomed, has been fully considered, and demonstrates a contextual approach to the proposed materials and finishes. The applicant has responded positively to recommendations regarding matte finishes, fencing colour, and the need for material samples. The hedgerow management plan is also acceptable, with rotational cutting and reinforcement planting proposed. The tree strategy is also broadly supported.

- 7.64 The submitted landscape report includes a comprehensive planting methodology and aftercare programme, with a 10-year maintenance plan and ecological enhancements. The inclusion of a living wall system, native hedgerows, wildflower grass areas, and biodiversity features such as bird and bat boxes, log piles and hibernacula, is considered to contribute positively to the site's green infrastructure and ecological value.
- 7.65 On the basis of the above, the siting, scale and design of the foodstore and nursery are considered acceptable, and the landscaping proposals are sufficient to ensure the development integrates appropriately with its surroundings.
- 7.66 The proposal is therefore considered to comply with Core Strategy Policies LD1 and SD1, as well as Ledbury NDP Policies BE1.1, SD1.3, NE2.1 and NE2.2. It also accords with the design principles set out in Chapter 12 of the NPPF, particularly paragraphs 131, 135 and 136, which emphasise the importance of contextually responsive design, landscape integration and long-term environmental stewardship.

### **Historic environment**

- 7.67 The application site is not located within the Ledbury Conservation Area and does not lie adjacent to any listed buildings. The nearest designated heritage asset is the Ledbury Conservation Area, which is located approximately 850-metres to the northeast. This area contains numerous listed buildings, including the Grade I-listed Church of St Michael and All Angels.
- 7.68 The application site is separated from the Conservation Area by intervening post-war residential development, and there is no intervisibility or functional relationship between the two. Therefore, the site is not considered to contribute towards the significance of the Conservation Area, which derives principally from its historic townscape, architectural quality, and role as a market town.
- 7.69 In terms of indirect effects, it is acknowledged that the vitality and viability of the town centre contributes to the ongoing maintenance and occupation of historic buildings, many of which are in active commercial use. The Core Strategy supporting text recognise the interrelationship between a successful retail function and the preservation of the town centre's historic fabric. However, the applicant has submitted a Retail Impact Assessment which has been independently reviewed and found to be robust, as discussed in the forgone section of this report. The assessment concludes that the proposed development would not result in a significant adverse impact on the vitality and viability of Ledbury town centre, nor on existing, committed or planned investment therein.
- 7.70 On this basis, and in the absence of an identified significant adverse impact on town centre vitality and viability, it is not considered that the proposal would result in harm to the historic character or appearance of the town centre or indeed, its designated heritage assets.
- 7.71 Accordingly, financial contributions towards public realm or other heritage enhancements in the town centre are not considered to be justified in this instance, and the proposal is considered to accord with Policies SS6 and LD4 of the Herefordshire Core Strategy, Policy BE2.1 of the Ledbury NDP, the principles relating to conserving and enhancing the historic environment within the NPPF, and the statutory duties set out under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Impact on amenity**

- 7.72 Core Strategy Policy SD1 requires that development proposals safeguard residential amenity for existing and proposed occupants, and ensure that new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination.

- 7.73 These principles are reinforced through Ledbury NDP Policy SD1.3, which seeks to minimise light pollution, promote sustainable drainage, and avoid or mitigate the loss of landscape features that contribute to amenity and environmental quality.
- 7.74 The site is allocated for development and comprises a mixed-use scheme including a foodstore, nursery and medical centre. It is situated adjacent to existing commercial premises and is separated from the nearest residential properties, located within the Hawks Rise development to the east, by a distance of approximately 90-metres.
- 7.75 Landscaping is proposed along the eastern and southern boundaries, including hedgerow reinforcement and tree planting, which would assist in softening the visual transition and mitigating potential amenity impacts.
- 7.76 The medical centre, which is submitted in outline form with all matters reserved except for access, is positioned closest to the residential boundary. Its indicative layout and scale are considered appropriate, and there is no evidence to suggest that a reserved matters application could not come forward which integrates suitably with the full elements of the scheme (foodstore and nursery) without causing undue harm to residential amenity.
- 7.77 Within the site, concerns have been raised regarding the proximity of the nursery to the A417 Leadon Way and the potential for noise impacts. The Council's Environmental Health Team has reviewed the submitted noise impact assessment and advised that, while the nursery has not been specifically assessed in terms of internal and external amenity areas, the matter could be addressed through planning conditions.
- 7.78 With the above in mind, a safeguarding condition is recommended to secure details of noise management with respect to both the nursery and foodstore. This would be based on the already submitted Noise Assessment, and also cover the timing and management of deliveries serving the foodstore, so that these can be approved and then enforced by the Local Planning Authority, in the interests of residential amenity.
- 7.79 Noise from external plant and deliveries associated with the foodstore has been assessed in accordance with BS4142 and found to constitute a 'low impact' at the nearest sensitive receptors.
- 7.80 Subject to the imposition of appropriately worded planning conditions, the proposal is considered to comply with Core Strategy Policy SD1 and Ledbury NDP Policy SD1.3, and should not result in unacceptable harm to residential amenity.

### **Access and highway safety**

- 7.81 Core Strategy Policy LB1 supports development that improves accessibility within Ledbury by walking, cycling and public transport, particularly where it enhances connectivity with local facilities, employment areas and the town centre. It also encourages proposals that contribute to infrastructure improvements, including transport and broadband, to promote sustainable development.
- 7.82 Core Strategy Policy MT1 requires that development proposals demonstrate safe and efficient access, mitigate traffic impacts, and promote active travel. Schemes must integrate with existing transport networks, protect public rights of way, and comply with design and parking standards. Layouts should accommodate all users, including those with disabilities and emergency services, and respect local character where traffic management is introduced.
- 7.83 These principles are reinforced through Ledbury NDP Policy TR1.1, which supports improvements and extensions to the network of footpaths and cycleways, especially where they provide safe and accessible connections between new development areas and key destinations such as the railway station, schools and town centre.



- 7.84 Ledbury NDP Policy TR1.2 sets out public realm design requirements, requiring that new development minimises traffic impacts, supports active travel, and provides inclusive layouts for pedestrians, cyclists and mobility users. It also requires adequate off-street parking, electric vehicle charging, and the use of permeable materials to reduce surface water runoff.
- 7.85 The application has been supported by a Transport Assessment, with trip generation calculated using both TRICS data and locally observed survey data from the overtrading Aldi store in Ledbury (June 2022), providing a robust and realistic forecast to inform the highways impacts of this development. The LHA has confirmed agreement with this approach.
- 7.86 The proposed development incorporates a comprehensive package of access and highway improvements.
- 7.87 A new principal vehicular access to serve the entirety of the development, taken from the B4216 Dymock Road has been amended during the course of the application following discussions with the LHA, to ensure safe alignment and visibility, including swept path analysis for articulated vehicles. The internal layout has also been revised to accommodate HGV movements without conflict, and visibility splays have been confirmed as acceptable.
- 7.88 Two pedestrian and cycle access links are proposed from Leadon Way, connecting directly to the foodstore and nursery/medical centre respectively. These links have been widened to 3-metres to support shared use and comply with LTN 1/20 guidance. Whilst efforts to seek a pedestrian /cycle link from the site, directly through to the 'Hawks Rise' development (143116 & 212375 refers) to the east has not been resolvable through the course of the application's determination period, given the positioning of the site and the improved infrastructure on, and connecting to the A417 Leadon Way (as outlined below), this is not considered a significant disbenefit of the overall scheme.
- 7.89 A relocated Toucan crossing on the A417 Leadon Way, positioned 60-metres to the east of the 'Full Pitcher roundabout', would align with the existing Public Right of Way and would therefore enable safe connectivity into the wider Ledbury area, including the town-centre.
- 7.90 The development would include 101no. car parking spaces for the foodstore, including 10no. accessible bays and 2no. EV charging points. The nursery would be served by 24no. spaces, including 1no. accessible bay.
- 7.91 While it is acknowledged that this would fall below the HC Design Guide standard, a shared parking arrangement with the foodstore has been agreed, supported by a parking accumulation study demonstrating sufficient capacity across the site. A direct pedestrian link between the nursery and foodstore car park would facilitate this arrangement, and a parking management strategy is recommended to be secured by condition, with details to be agreed by the Local Planning Authority prior to first use of the development.
- 7.92 The medical centre is proposed in outline only. A total of 53no. spaces are indicated, including 6 accessible bays (11%), with final layout and parking provision to be determined at reserved matters stage through the consideration of 'layout'. Trip generation has been assessed using robust assumptions based on a GP surgery use, and the Local Highway Authority has raised no objection on this basis.
- 7.93 Cycle parking would be provided in accordance with HC standards. The foodstore cycle stands would be located under the foodstore canopy, overlooked by the checkout area. The nursery would include secure long-stay provision for staff and children's bikes/scooters, with additional short-stay stands at the frontage. Final details and specifications are recommended to be secured by way of condition. Cycle parking for the medical centre would be confirmed at reserved matters stage, but is also required as part of the aforementioned condition.

- 7.94 To support sustainable travel further, a pair of bus stops are proposed on the A417 Leadon Way adjacent to the pedestrian and cycle access to the site, one on each side of the carriageway. These are supported by a Stage 1 Road Safety Audit and would be delivered via a Section 278 agreement with the Local Highways Authority. A new bus stop on Kipling Avenue, serving the adjacent residential site, further enhances public transport accessibility within the wider vicinity of the site.
- 7.95 In addition, the applicant has committed to a financial contribution of £100,000 (index linked) towards infrastructure to support the community transport service provided by Community Action Ledbury. This would fund the purchase of an electric wheelchair-accessible vehicle and associated EV charging infrastructure, with installation sites to be explored at locations including Bye Street, John Masefield High School, and Masters House Car Park. This contribution is considered necessary to support sustainable travel options for vulnerable users, directly related to the development's scale and location, and fairly and reasonably related in kind and in scale - thereby meeting the statutory tests under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). This would be included within the Section 106 agreement.
- 7.96 With the above in mind, the proposal is considered to comply with the relevant policies of the development plan – specifically Policy SS4, MT1 and LB1 of the Core Strategy, Policy TR1.1 and TR2.2 of the Ledbury NDP, and is also consistent with the objectives of the NPPF in terms of promoting sustainable transport, safe access, and inclusive connectivity.

## Ecology

- 7.97 Policy LD2 of the Core Strategy requires development proposals to conserve, restore and enhance biodiversity and geodiversity. This includes the retention and protection of nature conservation sites, habitats and important species, the restoration and enhancement of existing features and connectivity to wider ecological networks, and the creation of new biodiversity features and wildlife habitats. Policy LD3 promotes the protection and enhancement of green infrastructure.
- 7.98 These principles are reinforced through Ledbury NDP Policy NE1.1, which supports the conservation, recovery and enhancement of biodiversity and geodiversity, including priority habitats, local wildlife sites, trees, woodlands, orchards, hedgerows, ponds and watercourses. Development is expected to contribute to ecological networks and green infrastructure, particularly within identified Strategic Corridors and Enhancement Zones, and to deliver biodiversity net gain through habitat creation, restoration and active management
- 7.99 Policy NE2.1 further requires development to conserve the landscape and scenic beauty of the parish, including the Malvern Hills Area of Outstanding Natural Beauty (AONB) (now formally known as 'National Landscape'), and to retain and enhance natural features such as trees, hedgerows and watercourses.
- 7.100 The application site comprises approximately 1.6 hectares of unmanaged modified grassland, bounded by species rich native hedgerow interspersed with trees. The application has been supported by a Preliminary Ecological Appraisal (PEA) which confirms that the site is of low ecological value, with limited suitability for protected species. No designated sites lie within 1km, though three Sites of Special Scientific Interest (SSSIs) are located within 1-2miles, including Mayhill Wood and Ledbury Cutting.
- 7.101 The site does not support any Priority Habitats, nor is it situated within a Strategic Corridor or Enhancement Zone as identified in the Ledbury NDP. The PEA identifies low potential for great crested newts, badgers, and reptiles, with no evidence of active use by these species. A precautionary approach is nonetheless recommended during construction and therefore a

Construction Environmental Management Plan (CEMP) is recommended to be secured as a pre-commencement condition.

- 7.102 Furthermore, the retention of boundary hedgerows and incorporation of native planting within the landscaping scheme would assist in bolstering green infrastructure and thus in turn, promoting habitat connectivity and the protection of locally significant ecological features.
- 7.103 The development is subject to the statutory requirement for Biodiversity Net Gain under the Environment Act 2021 and associated Biodiversity Gain Regulations 2024. The submitted BNG Assessment confirms that the development would result in a net loss of 4.01 habitat units (-62.69%) and a modest gain of 0.5 hedgerow units (+6.04%) on-site. The trading rules are not satisfied due to the loss of 2.21 high distinctiveness hedgerow units. As such, off-site units must be secured.
- 7.104 To achieve the mandatory 10% net gain, the applicant proposes a hybrid approach comprising:
- On-site habitat creation, including urban trees, neutral grassland, and species-rich hedgerows.
  - Off-site delivery of 4.65 habitat units and 2.21 hedgerow units via a Registered Offsite Gain Provider or, if necessary, through the purchase of statutory biodiversity credits.
- 7.105 This approach is consistent with the Biodiversity Gain Hierarchy set out in Article 37A of the Town and Country Planning (Development Management Procedure) Order, and reflects the applicant's efforts to maximise on-site delivery whilst noting the particular constraints of the scheme.
- 7.106 The BNG solution must be secured in full prior to commencement of any development, including the full application elements. This includes submission of a Biodiversity Gain Plan and Habitat Management and Monitoring Plan (HMMP) in accordance with DEFRA templates, and evidence of purchase of off-site units or credits from a legally secured and registered provider.
- 7.107 Although the biodiversity gain condition is deemed to apply by virtue of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, a planning condition is recommended in this case to provide clarity and certainty. This reflects the hybrid nature of the BNG strategy, which includes off-site unit purchase. As the off-site units are to be acquired from a Registered Biodiversity Gain Site Provider, a separate legal agreement with the applicant is not required. The condition would ensure that the Biodiversity Gain Plan and HMMP are submitted and approved prior to commencement, and that monitoring is secured over a 30-year period.
- 7.108 As such, with the above in mind the proposal is considered to accord with Policy LD2 and LD3 of the Core Strategy, and Policy NE1.1 of the Ledbury NDP, as well as the relevant principles set out in the NPPF.

### **Flood risk and drainage**

- 7.109 As well as the expectations of Policy SD3 and SD4 of the Core Strategy, Policy SD1.3 of the Ledbury NDP encourages the use of sustainable drainage systems (SuDS) to increase resilience to flooding, promote biodiversity, improve water quality, and enhance amenity. It also supports the use of permeable surfaces and tree planting to reduce runoff.
- 7.110 The application site lies within Flood Zone 1 and is therefore not at risk of fluvial flooding. However, the far western extent of the site is identified as being at low to medium risk of surface water flooding. In response, amended plans were submitted to ensure that no built development is located within this area, with only landscaping proposed. This has been suitably accommodated through minor adjustments to the alignment and positioning of the foodstore car park.

- 7.111 The submitted Flood Risk Assessment (FRA) and Surface Water Mitigation Note confirm that the finished floor levels of all buildings would be raised at least 150mm above surrounding ground levels. The car park and substation adjacent to the area at risk are proposed to be set at a minimum level of 48.833m AOD, which is approximately 933mm above the identified flood extent.
- 7.112 Each of the three proposed uses, foodstore, nursery, and medical centre would be served by separate attenuation tanks with associated HydroBrakes, discharging via a single pipe to the public surface water sewer. The discharge rates would be restricted to greenfield runoff rates, in accordance with drainage hierarchy principles.
- 7.113 Foul drainage is proposed via gravity-fed discharge to the public foul sewer, with Severn Trent confirming that capacity exists to accommodate the development.
- 7.114 The LLFA raises no objection to the proposals, subject to conditions requiring: submission of detailed drainage design plans; confirmation from Severn Trent regarding surface water discharge; and clarification of adoption arrangements for shared infrastructure. Subject to these, the scheme is considered to accord with Core Strategy Policies SD3 and SD4, Policy SD1.3 of the Ledbury NDP and relevant NPPF provisions on flood risk and sustainable drainage

### **Section 106 agreement**

- 7.115 In light of the forgone considerations relating to the medical centre land and highways and transport, respectively, the following summary is provided of the draft Heads of Terms proposed for inclusion in the Section 106 agreement,
- Medical Centre Land Transfer
    - The developer will use reasonable endeavours to transfer the designated “Medical Land” (freehold, with title absolute and full title guarantee) to a medical provider within 3 years of the grant of planning permission.
    - The transfer will be for nil consideration and will include all necessary rights of access and services.
    - If, after 3 years, the developer can evidence reasonable endeavours, but no provider is secured, the obligation lapses.
  - Community Transport Contribution
    - £100,000 (index-linked) financial contribution to support Community Action Ledbury’s accessible transport service.
      - £70,000 allocated for the purchase of an electric wheelchair-accessible vehicle.
      - £30,000 allocated for EV charging infrastructure and dedicated parking bays.
    - Potential installation sites for EV infrastructure include:
      - Council land adjacent to Community Action Ledbury (4b Bye Street)
      - John Masefield High School
      - Bye Street Car Park
      - Masters House Car Park
- 7.116 The obligations would support the delivery of healthcare and inclusive transport infrastructure, in accordance with Policy ID1, MT1 and SC1 of the Core Strategy, and Policy EE1.2 and TR1.2 of the Ledbury NDP. The obligations are structured so that they meet the legal tests of necessity, direct relation, and proportionality under CIL Regulation 122.

### **Environmental Impact Assessment**

- 7.117 An EIA Screening Opinion has not been requested however the Local Planning Authority have considered the proposals when having regard to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.118 Whilst the proposals exceed the threshold 10. Infrastructure projects (b) (i), it is not considered an Environmental Impact Assessment is required having regards to the context and nature of the proposals and relevant considerations and constraints applicable to the site.

### **Conclusion**

- 7.119 The site is allocated for employment and service uses through Policy EE1.2 of the Ledbury NDP, and this represents a material change in the policy context since the previous appeal decision (APP/W1850/W/21/3279731). It establishes the principle of development for uses falling within Use Classes E(e), E(f), E(g), and C1. While the proposed nursery and medical centre fall within the scope of this allocation and are therefore acceptable in principle, the proposed foodstore (Use Class E(a)) is not explicitly supported by the site's allocation.
- 7.120 In this case, the Local Planning Authority is satisfied that there are no sequentially preferable sites within or on the edge of Ledbury town centre that are both suitable and available. The Retail Impact Assessment has been independently reviewed and found to be robust, with the Council's retail consultant confirming that the proposal would not result in a significant adverse impact on the vitality and viability of Ledbury town centre, nor on existing, committed or planned investment therein. The current proposal represents a materially different scheme to that previously refused and dismissed at appeal. The foodstore has been reduced in scale, and the application is now supported by updated retail evidence which has been independently reviewed and supports the conclusions reached in terms of impact.
- 7.121 The proposal also includes the provision of land for a medical centre in outline form. The applicant, who now owns the site, has offered to enter into a legal agreement to secure the delivery of this element, with a Section 106 mechanism requiring the transfer of land to a suitable medical provider within three years of the grant of planning permission. This directly addresses the Inspector's concerns regarding deliverability and securing healthcare infrastructure in Ledbury.
- 7.122 The siting, scale and design of the development are considered appropriate to the site's context, and the landscaping proposals would provide for both mitigation and enhancement at this 'gateway' location. The use of contextual materials, including red brick and green living walls, alongside a comprehensive Environmental Colour Assessment, ensures that the development responds positively to its setting and the wider landscape character.
- 7.123 Matters relating to ecology, flood risk and drainage, and residential amenity are capable of being appropriately managed through the imposition of planning conditions. These include measures to secure biodiversity net gain, sustainable drainage systems, and mitigation of noise impacts on sensitive receptors, including the proposed nursery.
- 7.124 Access arrangements have been revised to address technical concerns, and the proposal includes a comprehensive package of pedestrian, cycle and public transport improvements. A financial contribution towards community transport infrastructure would also support sustainable travel objectives and improve accessibility for vulnerable users.
- 7.125 The proposal is therefore considered to accord with the relevant policies of the Herefordshire Local Plan – Core Strategy, the Ledbury NDP, and the principles that are set out in the NPPF. It represents a sustainable and well-integrated mixed-use development and as such, the application is accordingly recommended for approval.

### **RECOMMENDATION**



That planning permission be granted, subject to the conditions set out at Annex 1, the completion of a Section 106 agreement to secure the transfer of land for the proposed medical centre, the community transport contribution, and any further conditions considered necessary by officers named in the Scheme of Delegation to Officers.

## **STANDARD CONDITIONS**

**1. Time Limit – Full Permission (Foodstore and Nursery)**

The development hereby permitted shall begin before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990.

**2. Submission of reserved matters (Medical Centre)**

Application(s) for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

**3. Time Limit (Medical Centre)**

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

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

**4. Approval of the reserved matters (Medical Centre)**

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

**Reason:** To comply with the provisions of Article 5 of the Town and Country Planning (Development Management Procedure) Order 2015.

**5. Approved Plans (full)**

The development shall be carried out in accordance with the approved plans listed in this below;

**P402 rev Q Proposed Masterplan (only as far as it relates to the foodstore and nursery)**

**P403 rev N Proposed Lidl Site Plan GA**

**P404 rev K Proposed Lidl Surface Treatment Plan**

**P101 rev C Proposed Lidl Roof Plan**

**P120 Proposed Nursery Ground Floor Plan**

**P121 Proposed Nursery First Floor Plan**

**P202 rev B Proposed Lidl Elevations – Brick Alt**

**P220 Proposed Nursery Elevations – South**

**P221 Proposed Nursery Elevations - North**

**P401 rev C Existing Site Plan**

**P420 rev B Proposed Nursery Site Plan GA**

**P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nurse element)**

CA2024 LDBY 02 rev C Tree Survey & Existing Features & Overlay  
CA2024 LDBY 03 rev H Landscape Proposals Overall  
CA2024 LDBY 04 rev F Landscape Proposals Detail 1-200 A0  
CA2024 LDBY 04 rev F Landscape Proposals Detail  
CA2024 LDBY 07 rev B Ledbury Hedgerow Management Plans  
CA2024 LDBY Ledbury Planting Schedule rev 18 June 2025

CA2024 LDBY 01 rev B Tree Survey & Existing Features  
CA2024 LDBY 05 rev A Landscape Living Green Wall  
CA2024 LDBY 06 Landscape Sections

PL02 rev F Access Junctions Visibility Splays  
PL03 rev H Potential Active Travel Links to Development  
SP01 rev G Swept Path Analysis  
SP02 rev D Swept Path Analysis  
PL01 rev G Potential Toucan Crossing

P400 rev C Site Location Plan

Reason: To ensure adherence to the approved plans in the interests of proper planning.

**6. Approved Plans (Medical Centre)**

The development shall be carried out in accordance with the approved plans listed in this below;

P400 rev C Site Location Plan  
P409 rev E Proposed Site Plan GA Medical Centre (only as far as it relates the 'access' and defining the extent of the nurse element)

Reason: To ensure adherence to the approved plans in the interests of proper planning.

**PRIOR TO COMMENCEMENT OF DEVELOPMENT** (site-wide or specified element of development)

**7. Materials**

With the exception of site clearance and groundwork, no development shall commence on: a) the foodstore, or b) the nursery, until details and/or samples of the external materials to be used for the walls and roofs of the respective buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved materials.

Reason: To ensure a high standard of design that respects and enhances the character and appearance of the area, in accordance with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, SD1.3 and NE2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

**8. Biodiversity Net Gain**

No development shall commence, including any site clearance or preparatory works on that respective element, until a Biodiversity Gain Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:

- Confirmation that the development is subject to the statutory Biodiversity Gain Condition under the Environment Act 2021 and Biodiversity Gain Regulations 2024.
- Details of the on-site habitat creation and enhancement measures, including habitat types, condition targets, and management prescriptions.

- Evidence of the purchase of off-site biodiversity units from a Registered Biodiversity Gain Site Provider, or alternatively, confirmation of statutory biodiversity credits purchased, sufficient to achieve a minimum 10% net gain in biodiversity value.
- A Habitat Management and Monitoring Plan (HMMP) covering a minimum 30-year period, in accordance with DEFRA guidance, setting out how the biodiversity measures will be maintained and monitored.

The development shall thereafter be carried out in accordance with the approved Biodiversity Gain Plan and HMMP.

Reason: To ensure the development delivers measurable biodiversity net gain in accordance with the Environment Act 2021 and the Biodiversity Gain Regulations 2024, and to give effect to the deemed biodiversity gain condition imposed by paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The condition also supports compliance with Policies LD2 and LD3 of the Herefordshire Local Plan - Core Strategy and Ledbury Neighbourhood Development Plan Policies NE1.1.

#### 9. Contamination

No development shall commence, including any site clearance or preparatory works, until the following has been submitted to and approved in writing by the local planning authority:

- 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
- 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
- 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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

#### 10. Construction Management Plan

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The Construction Management Plan shall include the following details:

- Measures to prevent mud and debris being deposited onto the public highway;
- Construction traffic access arrangements;
- Parking provision for site operatives and visitors;
- A Construction Traffic Management Plan;

- Details of any site compound, including its location (which may be on land identified for the nursery or medical centre), and a scheme for the reinstatement of that land following completion of construction works.
- The approved Construction Management Plan shall be implemented in full and maintained throughout the construction period.

**Reason:** To safeguard highway safety, protect residential amenity, and ensure the coordinated and phased delivery of the development, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.2 of the the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

#### **11. Drainage**

No development shall commence, including any site clearance or preparatory works, until the following drainage details have been submitted to and approved in writing by the Local Planning Authority:

- Detailed design drawings and construction plans for both the proposed surface water and foul water drainage systems, including calculations and specifications. The foul drainage design shall be developed in consultation with Severn Trent Water.
- Written confirmation from Severn Trent Water that the proposed surface water discharge to the public surface water sewer is acceptable.
- Details of the proposed adoption and maintenance arrangements for all drainage infrastructure, including confirmation of the responsible party and any agreements with statutory undertakers or management companies.

The development shall thereafter be carried out in accordance with the approved details prior to first occupation or use of any part of the development.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of flooding and pollution, and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy, Policy SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

#### **12. Construction Environmental Management Plan**

No development shall commence on any element of the approved scheme, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, including any site clearance or preparatory works on the respective parcel of land, until a Construction Environmental Management Plan (CEMP) for that element has been submitted to and approved in writing by the Local Planning Authority.

The CEMP shall include, but may not be limited to:

- An ecological working method statement detailing measures to protect retained habitats and species during construction;
- Details of the person(s) responsible for implementing and monitoring the CEMP throughout the construction period.

The approved CEMP shall be implemented in full prior to the commencement of development on the relevant parcel and all construction works shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure the protection of ecological interests and the enhancement of biodiversity, in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, Policies SS1, SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, the National Planning Policy Framework, and Herefordshire Council’s declared Climate Change and Ecological Emergency.

**13. EV charging (submission of details required prior to commencement of each element)**

With the exception of any site clearance and groundworks, no development shall commence with respect to each element to which it relates - a) the foodstore b) nursery and; b) the medical centre, until written and illustrative details of the number, type/specification and location of electric vehicle charging points have 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:** In accordance with Policy SD1 of the Herefordshire Local Plan Core Strategy, Policy TR1.2 of the Ledbury Neighbourhood Development Plan and to assist in redressing the Climate Emergency declared by Herefordshire Council and to accord with the National Planning Policy Framework

**14. Ventilation strategy (Nursery)**

Prior to the commencement of development on the nursery building, a detailed ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how adequate ventilation will be achieved while ensuring compliance with the internal ambient noise criteria set out in the current version of Building Bulletin 93: Acoustic Design of Schools – Performance Standards.

The development shall be carried out in accordance with the approved strategy and the ventilation system shall be retained and maintained thereafter in accordance with the manufacturer’s specifications.

**Reason:** To ensure a suitable internal acoustic environment for future occupants of the nursery, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

**PRIOR TO COMMENCEMENT OF CERTAIN OPERATIONS / INSTALLATIONS**

**15. External lighting (before installation of any external lighting)**

Prior to the installation of any external lighting, a detailed Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- The location, type, and intensity of all proposed external lighting;
- Measures to ensure compliance with current best practice guidance issued by the Institute of Lighting Professionals and the Bat Conservation Trust;
- Consideration of the site’s proximity to the Malvern Hills National Landscape and its contribution to maintaining local dark skies.

The development shall thereafter be carried out in accordance with the approved Lighting Strategy, and the lighting shall be retained and operated in accordance with the approved details.



**Reason:** To protect nocturnal species including bats, safeguard residential amenity, preserve landscape character, and maintain dark skies, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies SS6, LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE1.1 and NE2.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

#### **16. Visibility splays**

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 4.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43m northbound and 120m southbound metres along the nearside edge of the adjoining carriageway – as indicated on approved plan PL02 Rev F. 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, Policy TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

**PRIOR TO FIRST USE / OCCUPATION (of respective elements or site-wide)**

#### **17. Parking Management Plan (Nursery)**

Prior to the first use of the nursery building hereby approved, a detailed Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:

- Staggered drop-off and pick-up arrangements to minimise peak-time congestion.
- Operational details including anticipated child capacity, staff numbers, and standardised drop-off/pick-up times.
- Overflow parking strategy, including use of the foodstore car park and pedestrian connectivity.
- Monitoring and review mechanisms to assess parking demand and congestion during the first 12 months of operation.
- Measures to ensure safe and efficient access, including any physical or operational interventions to prevent vehicle stacking or obstruction of site access.

The approved Parking Management Plan shall be implemented in full prior to the first use of the nursery and shall be adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure safe and efficient access to the site, minimise congestion, and safeguard highway safety in accordance with Policies MT1 and SD1 of the Herefordshire Local Plan – Core Strategy and Policies BE1.1, TR1.2 and SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan.

#### **18. Temporary Management of Undeveloped Parcels**

Prior to the first use of the foodstore, a scheme for the management and maintenance of the land identified for the nursery and medical centre shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Measures to ensure the land is kept free from debris, fly-tipping, and unauthorised use
- Maintenance of boundary treatments and landscaping
- Any temporary surfacing or fencing proposed

- A timetable for ongoing inspection and upkeep
- Provisions for reinstatement following any temporary use (e.g. construction compound)

The approved scheme shall be implemented in full and maintained for the duration of the period prior to the commencement of development on the nursery or medical centre parcels.

Reason: To ensure that land identified for future phases of development is appropriately safeguarded, maintained, and does not detract from the visual amenity, landscape character, or residential environment, in accordance with Policies SS6, SD1, LD1 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, EE1.2, NE1.1 and NE3.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

**19. Off-site highway works (before occupation or beneficial use of any part)**

No part of the development shall be occupied or brought into use until the off-site highway works, comprising the provision of a pair of bus stops on Leadon Way and a Toucan crossing, as shown on approved drawing PL01 Rev G - have been fully delivered and made operational.

Details of the works shall first be submitted to and approved in writing by the Local Planning Authority, following completion of the technical approval process by the Local Highway Authority. The works shall be implemented in full accordance with the approved details.

Reason: To ensure safe and inclusive access to the site by sustainable modes of transport, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1, TR1.2, SD1.3 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

**20. Biodiversity (site-wide bird/bat/hedgehog/insect provision)**

Prior to the first use of any element of the development hereby approved, a site-wide strategy for biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the location, specification, and installation of:

- A minimum of four bird nesting boxes suitable for a range of site-appropriate species;
- One hedgehog home; and
- Four insect hotels.

The approved measures shall be implemented prior to first use and shall be retained and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancement and support protected species and habitats, in accordance with the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, Policies LD1, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy, Policy NE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

**21. Travel Plan (foodstore, nursery, medical centre)**

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre - a Travel Plan relating to that element shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include measures to promote sustainable modes of transport for staff and visitors, and shall be implemented in full upon first occupation of the relevant element. A written record of the measures undertaken to promote sustainable travel shall be maintained, and the Travel Plan shall be reviewed annually.

All relevant documentation shall be made available for inspection by the Local Planning Authority upon reasonable request.

Reason: To promote the use of sustainable transport modes, reduce reliance on private vehicles, and support inclusive access, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

**22. Cycle storage (foodstore, nursery, medical centre)**

Prior to the first use of any element of the development, namely (a) the foodstore, (b) the nursery, or (c) the medical centre, full details of a scheme for the provision of covered and secure cycle parking facilities for that element shall be submitted to and approved in writing by the Local Planning Authority.

The approved cycle parking facilities shall be installed and made available for use prior to the first occupation of the relevant element and shall thereafter be retained and maintained in working order.

Reason: To ensure adequate provision for secure cycle parking and to encourage the use of sustainable modes of transport, in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and EE1.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

**23. Landscaping implementation (foodstore and nursery)**

All planting and landscaping works relating to the foodstore and nursery shall be carried out in full accordance with the approved landscape drawings 2024-LDBY-03 Rev H (Landscape Proposals Overall) and 2024-LDBY-04 Rev F (Landscape Proposals Detail), and the accompanying Landscape Planting Methodology and Aftercare document.

The approved scheme shall be implemented in full during the first planting season following substantial completion of the development or prior to the first occupation or beneficial use of any part of the development, whichever is sooner, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the timely delivery of the landscaping scheme in the interests of visual amenity, biodiversity enhancement, and compliance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1, NE2.1 and EE1.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework

**24. Remediation (validation report before first occupation)**

The Remediation Scheme, as approved pursuant to Condition 7 above, shall be fully implemented before any part of 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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

**25. Waste storage/collection (foodstore and nursery)**

Prior to the first use of any element of the development, namely (a) the foodstore or (b) the nursery, details of suitable provision for the storage and collection of waste shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include arrangements that allow for the convenient and accessible storage of waste and ensure unrestricted access for collection at all times.

The approved waste storage and collection facilities shall be provided prior to first use of the relevant element and shall be retained and maintained thereafter for the duration of the use.

Reason: To ensure adequate provision for waste management in the interest of visual and residential amenity, in accordance with Policy SD1 of the Herefordshire Local Plan – Core Strategy, Policy BE1.1 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

**26. Parking provision (foodstore and nursery)**

Prior to the first use of the foodstore or nursery, the parking and manoeuvring areas serving each respective element shall be completed in full accordance with approved drawings P402 Rev Q Proposed Masterplan, P403 rev N Proposed Lidl Site Plan GA and P420 rev B Proposed Nursery Site Plan GA.

These areas shall be made available for use prior to occupation and shall thereafter be retained and maintained for the duration of the use. The parking and manoeuvring areas shall not be used for any other purpose.

Reason: To ensure safe and efficient access and circulation within the site, and to prevent obstruction of the public highway, in accordance with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policies TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan, and the National Planning Policy Framework.

**27. Vehicular access construction (prior to first use of any part of development)**

Prior to the first use of any part of the development, details of the vehicular access construction, including gradient, surfacing, and alignment, shall be submitted to and approved in writing by the Local Planning Authority.

The access shall be constructed in full accordance with the approved specification and shall not exceed a gradient steeper than 1 in 12. It shall be implemented in full prior to first use of the development.

Reason: To ensure safe and suitable access to the site in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy, Policy TR1.1 and TR2.2 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

**COMPLIANCE**

**28. Landscape Management Compliance**

The landscaping and ecological features shall be maintained in full accordance with the approved Landscape Planting Methodology and Aftercare document for a minimum period of ten years from the date of implementation. This shall include all tree, hedge, planting bed, wildflower grassland, and living wall maintenance, as well as ecological monitoring and replacement of failed planting. Any variations to the approved management regime shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the long-term establishment and stewardship of the landscaping scheme and associated biodiversity enhancements, in accordance with Policies LD1, LD2, LD3 and SD1 of the Herefordshire Local Plan – Core Strategy, Policy EE1.2, BE1.1 and NE2.1 Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

**29. Unexpected contamination**

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 in accordance with Herefordshire Local Plan - Core Strategy Policy SD1.

**Hours of operation (foodstore)**

The foodstore hereby permitted shall not be open to customers outside the hours of 0800 to 2200 hours Mondays to Saturdays and 08:00 to 17:00 on Sundays.

**Reason:** In the interests of the amenities of existing residential property in the locality and to comply with SD1 of the Herefordshire Local Plan - Core Strategy, Policy BE1.1 and SD1.3 of the Ledbury Neighbourhood Development Plan and the National Planning Policy Framework.

**30. Retail floorspace restriction (foodstore)**

The net sales area of the foodstore hereby permitted shall not exceed 1,100 square metres.

**Reason:** To ensure that the scale and nature of retail provision remains consistent with the assessed impact and justification for the proposal, and to ensure the development does not result in significant adverse impact on the vitality and viability of Ledbury town-centre, in accordance with the National Planning Policy Framework, Policy EE3.2 and EE3.1 of the Ledbury Neighbourhood Development Plan and Policy E5 of the Herefordshire Local Plan Core Strategy.

Decision: .....

Notes: .....

.....

## APPENDIX

### Appendix 1

- a) Retail Planning Consultant – July 2025
- b) Retail Planning Consultant – April 2025
- c) Retail Planning Consultant – March 2025





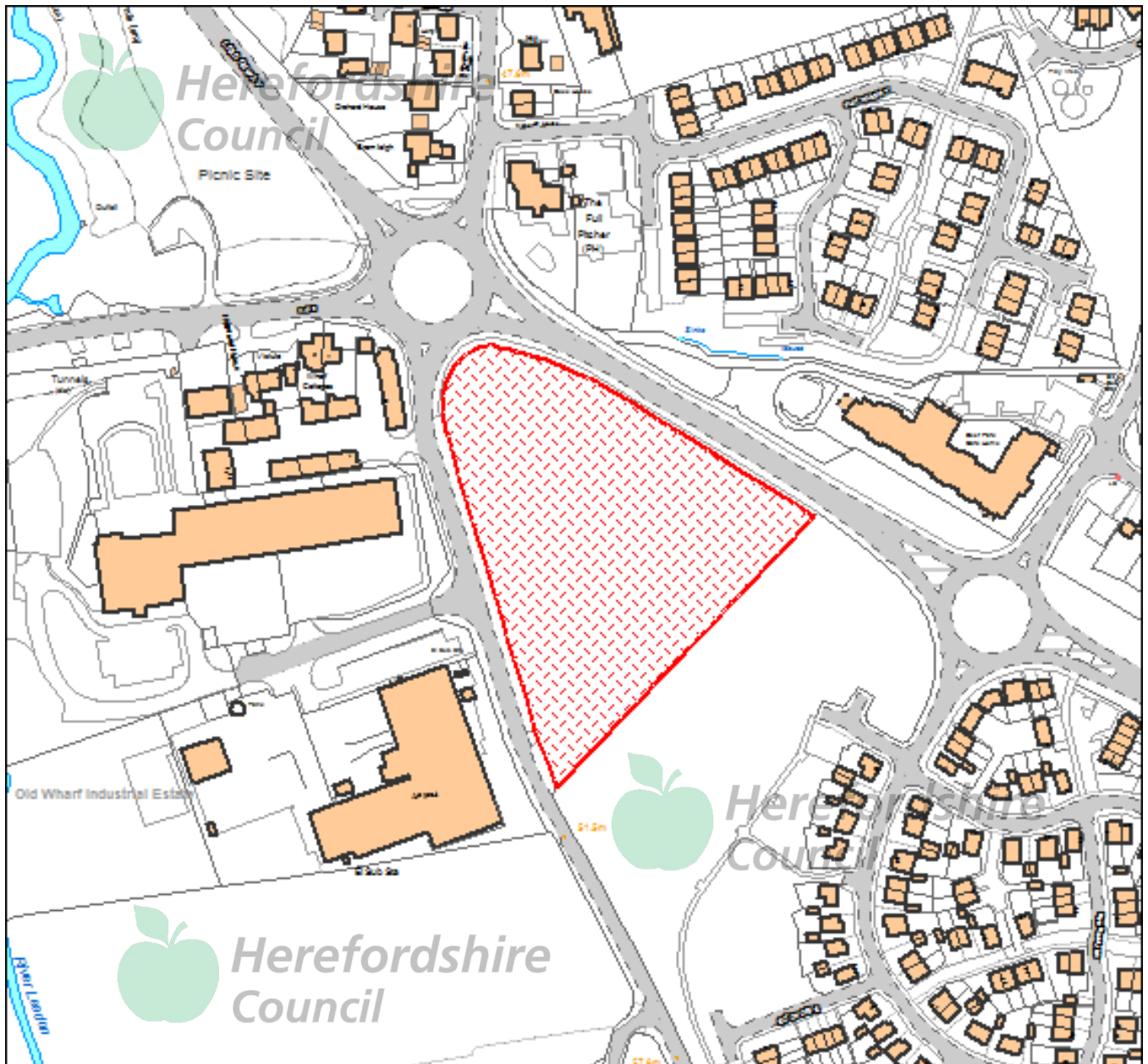
Decision: .....

Notes: .....

.....

**Background Papers**

None identified.



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

**APPLICATION NO:** 242783

**SITE ADDRESS :** LAND SOUTH OF LEADON WAY (A417) AND EAST OF DYMOCK ROAD (B4216), 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