

# PLANNING SUPPORTING STATEMENT

TO ACCOMPANY AN OUTLINE PLANNING APPLICATION FOR A MIXED USED DEVELOPMENT INCLUDING THE ERECTION OF UP TO 625 NEW HOMES (INCLUDING AFFORDABLE HOUSING), UP TO 2.9 HECTARES OF B1 EMPLOYMENT LAND, A CANAL CORRIDOOR, PUBLIC OPEN SPACE (INCLUDING A LINEAR PARK), ACCESS, DRAINAGE AND GROUND MODELLING AND OTHER ASSOCIATED WORKS. THE PROPOSAL IS FOR OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION WITH THE EXCEPTION OF ACCESS. ONLY THE MAINS OF ACCESS INTO THE SITE IS SOUGHT AS PART OF THIS OUTLINE APPLICATION, NOT THE INTERNAL SITE ACCESS ARRANGEMENTS (I.E THEY ARE NOT FORMALLY PART OF THE APPLICATION). VEHICULAR ACCESS IS PROPOSED OFF THE BROMYARD ROAD.

For Bloor Homes Western

Our Reference: 5065

February 2017



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## **1.0 INTRODUCTION**

1.1. This Planning Statement has been prepared by Hunter Page Planning Ltd on behalf of Bloor Homes Western to accompany its outline planning application for a mixed use development including the erection of up to 625 new homes (including affordable housing), up to 2.9 hectares of B1 employment land, a canal corridor, public open space (including a linear park), access, drainage and ground modelling works and other associated works. The proposal is for outline planning permission with all matters reserved for future consideration with the exception of access. Only the means of access into the site is sought as part of this outline application, not the internal site access arrangements (i.e. they are not formally form part of the application). Vehicular access is proposed off the Bromyard Road.

1.2. This statement should be read in conjunction with the following reports which accompany the application:

- Statement of Community Involvement
- Affordable Housing Statement
- Design and Access Statement
- Transport Assessment
- Employment Framework Travel Plan
- Residential Travel Plan
- Flood Risk Assessment
- Water Framework Directive Compliance Statement
- Foul Water and Utilities Assessment
- Ecological Assessment
- Heritage Desk Based Assessment
- Geophysical Survey Report
- Noise Assessment
- Air Quality Assessment
- Landscape and Visual Impact Assessment
- Arboricultural Assessment

1.3. Details relating to the design philosophy of the proposal are provided in the accompanying Design and Access Statement.

- 1.4. The submission of this application follows meetings with the Town Council, Herefordshire Council, various statutory consultees, and a public consultation exercise in the form of a public exhibition held on Tuesday 10<sup>th</sup> May 2016 at The Market Theatre, Ledbury. The submitted scheme has had regard to comments made at the exhibition where possible.
- 1.5. The outcome of pre-application discussions with various statutory consultees is set out in the accompanying Statement of Community Involvement.
- 1.6. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, this statement will appraise the policies contained within the Development Plan for the area and will address all other material considerations relevant to the development proposed, including the National Planning Policy Framework (NPPF). It is well established that compliance with the Development Plan is not compliance with each and every policy and that the decision maker is required to reach a conclusion with regard to the Plan read as a whole. In this respect the proposal is considered to be consistent with the Development Plan irrespective of the Council's 5 year housing land supply position, which has been the subject of scrutiny at recent appeals.
- 1.7. An EIA (Environmental Impact Assessment) Screening Opinion was submitted by the applicant on 23 March 2016. The Council's screening and scoping response was received on 17 May 2016 and confirmed that it was necessary for the applicant to submit an EIA application and that it would need to cover the following issues: landscape impact, highways, heritage and earthworks.
- 1.8. This statement firstly provides a description of the application site and surrounding area. There is no relevant planning history associated with the site aside from its allocation as a mixed use development site in the recently adopted Herefordshire Core Strategy (2015). A description of the proposed development and heads of terms will then be provided before an examination of the NPPF and Development Plan is undertaken. For the subject application it is concluded that the proposal is consistent with the development plan. Any identified breach of the Plan (when read as a whole) would need to be considered against other material considerations.

**2.0 THE SITE AND SURROUNDING AREA**

- 2.1. The application site is currently 28.11ha of agricultural land and is therefore currently undeveloped.
- 2.2. It is located to the north of Ledbury and comprises three arable fields, which are bordered by hedgerows / scrub and tree-belts, drainage ditches, and the River Leadon.
- 2.3. Topographically, the site slopes gently to the west and therefore towards the River Leadon.
- 2.4. To the north and east of the site is an industrial estate with orchards beyond. To the south of the site is agricultural land, woodland and residential development. To the west of the site is the River Leadon and further agricultural land. The southern boundary partly comprises the Ledbury Viaduct, a Grade II Listed railway viaduct. In addition, there is a segment of land that projects beyond the viaduct which effectively runs down to the roundabout with the Hereford Road and Leadon Way.
- 2.5. Access to the site is currently served off the Bromyard Road.
- 2.6. Shops, schools, medical facilities and places of work, recreation and worship are all within walking distance of the site in a south westerly direction, almost all of these facilities are located via The Homend.
- 2.7. The site is not within a landscape designation, although the Malvern Hills AONB lies to the east. The site is situated on the edge of the existing built-up area.

**3.0 RELEVANT PLANNING HISTORY**

- 3.1. The only notable planning history relating to the site is its allocation in the Herefordshire Core Strategy under Policy LB2. The policy is examined in more detail in the following section.
- 3.2. During the preparation of the Core Strategy over a number of years the site's allocation has been the subject of an on-going review process. It was also the subject of scrutiny during the "Examination" process. The Inspector for the Core Strategy supported the site's allocation stating at paragraph 97 of her report, how the strategic urban extension for Ledbury was assessed in the Sustainability Appraisal against all other reasonable options. Following this at paragraph 101 she concluded that "all place shaping policies are sound".

#### **4.0 PROPOSED DEVELOPMENT**

4.1. The proposal comprises up to 625 new homes (including affordable housing), up to 2.9 hectares of B1 employment land, a corridor of land to facilitate the restoration of a canal through the site, informal and formal public spaces, highway access from Bromyard Road and drainage related works. The proposal will include a section 106 agreement to mitigate the impact of the development on certain infrastructure and facilitate the delivery of certain elements of the proposal such as the provision of affordable housing.

4.2. The proposal is for outline planning permission with all matters reserved except access from Bromyard Road. Regarding “access”, the applicant is only seeking outline permission for the means of access into the site, not accessibility within the site.

##### ***Background***

4.3. The site has been allocated through policy LB2 as part of the Herefordshire County Council Core Strategy, adopted on 16<sup>th</sup> October 2015; as an area for a sustainable mixed use urban extension of the town. There are three key elements to the proposal including:

1. Housing – up to 625 new dwellings, including a mix of market and affordable housing
2. Employment land – up to 2.9 hectares of office or light industrial
3. Recreation/leisure – public open space, landscaping and land for a canal

4.4. Pre-application discussions commenced with planning officers in January 2016, including discussions that would affect the preparation of the indicative layout when the applicant’s design team met with various officers from the Council (including planning, affordable housing, highways and landscape). Discussions have also taken place in respect of s106 matters, which are addressed in the Heads of Terms below.

4.5. The Council’s Officers have been supportive of the principle of development during pre-application discussions.

4.6. A public consultation exercise was held by the applicant and their team of consultants as set out in the Statement of Community Involvement. This took place held at The Market Theatre Ledbury on 10<sup>th</sup> May 2016. In addition two meetings have been held with Town Council to

present the proposal and to try and answer any questions that were raised by councillors and local residents.

### ***The Proposal***

- 4.7. The application scheme involves development for up to 625 dwellings. The indicative mix of housing for the purposes of the outline application is as follows:

TYPE	TOTAL
<b>Apartments</b>	
1 bed	55
<b>Houses</b>	
2 Bed	178
3 Bed	235
4 + Bed	157
<b>TOTAL</b>	<b>625</b>

- 4.8. Whilst layout, appearance, landscaping, scale and internal access arrangements are reserved for future consideration, the illustrative layout plan has fully taken into consideration the constraints and opportunities of the site and shows how it can accommodate the proposed number of homes, employment land and recreational/leisure facilities whilst providing a high quality design. Further details are set out in the accompanying DAS.
- 4.9. The design approach to the proposed development has been undertaken to also ensure that the proposal provides an attractive living environment, which is designed suitably to integrate with the existing community and landscape.

### ***Phasing***

- 4.10. It is anticipated that construction will begin in 2017, with the first house occupations expected in early 2018. It is anticipated that approximately 80 to 100 units per annum will be delivered from 2019/2020 onwards.



***Landscape***

- 4.11. Early consultation took place with officers to determine the potential impact on the Malvern Hills AONB and to ensure that the scheme could be successfully integrated into the landscape without causing significant harm to the AONB and the open countryside. In recognition of this point density and landscaping were important considerations in preparing the indicative layout.
- 4.12. The indicative Masterplan includes the retention and enhancement of much of the landscaped vegetation along the boundaries of the site and the hedgerows within it with green buffers and areas of land to appropriately soften the development.

***Affordable housing***

- 4.13. The proposal includes an amount of affordable housing, which has been discussed with the housing officer during pre-application discussions. It is also expanded upon in more detail in the accompanying Affordable Housing Statement. The affordable housing will include a combination of types and tenures including social rent and intermediate housing.
- 4.14. The proposal is for 40% affordable housing to include a significant proportion of social rented housing (as opposed to 'affordable rent') which is not typically being provided in most Districts due a lack of grant funding from national Government.
- 4.15. This will provide up to 138 units of social rented housing and up to 112 units of intermediate housing.

***Means of Access***

- 4.16. Vehicular access to the site is to be provided via the Bromyard Road. Pedestrian and cycle access will be provided via the Bromyard Road and to the south through the Viaduct enabling pedestrians (and be cyclists) to gain access onto the Hereford Road. A further pedestrian access could potentially be provided to the south east of the site, and is being explored by the applicant, also enabling pedestrians to gain access on to the Hereford Road. However, this access involves third party land and is not formally included within this application.
- 4.17. The accompanying Transport Assessment and associated drawings provide full details of the proposed access arrangements.

- 4.18. As the application is only in outline form, the exact number and design of parking spaces has yet to be determined. However, it is proposed that both car and cycle parking for the site will accord with the standards set out within Herefordshire Council (HC's) "Highways Design Guide for New Developments" and will be agreed with the highway authority at the detailed design stage.
- 4.19. Policy LB2 of the Local Plan Core Strategy states the need for *'New walking, cycling and bus links from the urban extension directly to the town trail and riverside walk under the viaduct, the railway station and town centre to create linkages to nearby development and existing community facilities'*. The proposed development is committed to providing these new transport routes.
- 4.20. In addition to those set out above, the proposal will involve a number of highway improvements works including but not limited to, improvements to the Hereford Road and Bromyard Road junction.

### ***Canal***

- 4.21. The application proposes land and a financial contribution to facilitate a canal through the application site. The "land" includes provision for an 18 metre corridor running from the northern boundary of the site (adjacent to the Bromyard Road) to the north of the viaduct and from the south of the viaduct to the Hereford Road.

### ***Layout***

- 4.22. The illustrative layout shows a total of up to 625 dwellings, 2.9 hectares of employment land and formal and informal public open space and is based on the following considerations, which has also affected other design related matters set out within the Design and Access Statement:-

- Consultation with officers at Herefordshire Council
- Consultation with the Town Council, Ward Councillors and local residents
- Analysis of the site and surrounding area
- Sustainability issues, such as access into and out of the site
- Planning policy

- Information on matters of mitigation (such as noise) and any relevant recommendations contained within the technical reports accompanying the application.

4.23. The process of preparing the application has led to the layout seeking to secure the following design objectives:

- To have regard to the site's relationship with the adjoining countryside, the River Leadon and the Grade II listed Railway Viaduct.
- To provide a positive relationship with the surrounding countryside such that the properties address or look onto those areas where possible, including the access road into the site.
- To provide connectivity to the existing urban fabric.
- The layout is designed to reflect the character of the more attractive areas within Ledbury and this part of the town and create a sense of place and legibility throughout the site.
- Provide areas of informal and formal public open space which are well overlooked and accessible to use.

4.24. In essence the layout is designed to create a soft transition between it and the edge of the open countryside whilst reflecting the character of the more attractive and traditional parts of the town, and by creating a sense of place throughout the development.

**5.0 HEADS OF TERMS**

5.1. Albeit that the Council does not yet have a CIL charging schedule, planning obligations made as part of a planning application will have to have regard to the statutory tests set out in Regulation 122 of the Levy and this proposal has been considered in light of those tests.

5.2. A section 106 agreement will be submitted during the determination of the application, so the matters set out herein should be considered on a without prejudice basis.

5.3. Some of the contributions set out may be phased where others may come forward on commencement of development.

***Affordable housing***

5.4. The proposal includes 40% affordable housing in accordance with the target set out in Policy LB2. It includes 55% social rented housing and 45% intermediate housing.

***Further Contributions***

5.5. Unless otherwise discussed with the Council, further contributions will be made in accordance with the Council's SDP relating to;

- Waste reduction and recycling
- Highways
- Public Open Space
- Education

5.6. A contribution regarding the canal has been discussed with the Council.

## **6.0 SOCIAL AND ECONOMIC CONTEXT**

- 6.1. The proposed new neighbourhood will add up to 625 new homes to the existing community at Ledbury.
- 6.2. Accessibility to the site and the surrounding area is assessed in full within the accompanying Transport Assessment. However, the availability of services and facilities to residents of an area depend on them being accessible. As such, the availability of transport services to key facilities has also been addressed within this chapter.
- 6.3. The area of survey comprised a 2 km radius of the site for shopping facilities and a 5 km catchment radius for public services, recreation and employment. It is considered that the former represents a reasonable distance within which off-site services can be accessible by walking, the latter is a reasonable distance for cycling trips and to form part of a longer journey by public transport. These allow the availability of facilities to be assessed in terms of those available by walking or cycling.
- 6.4. Reference has also been made to national planning policy and local planning policy. One of the key objectives of planning policy is the promotion of sustainable development where housing is located in areas with good access to employment and a range of services and facilities to meet the day to day needs of its residents. This chapter will demonstrate that the development proposals have been formulated with these requirements in mind.

### **TRANSPORT, TRAVEL AND ACCESSIBILITY**

- 6.5. The accompanying Transport Assessment addresses matters of access and accessibility in full. The availability of services and facilities to residents of an area is dependent on them being accessible.

#### ***Pedestrian and Cycle Routes***

- 6.6. The site is well placed to provide easy access to Ledbury and the facilities within it. New residents at the site would generally be within at least 0.5km of the existing built up edge. This enables easy access for foot and cycle journeys from all areas of the site into Ledbury and

through proposed new pedestrian and cycle links onto the Hereford Road to the south of the site under the viaduct or the Bromyard Road which is located to the east of the site; the main access routes then merge onto The Homend running through Ledbury to the town centre. These improvements to facilitate access are explained in full within the accompanying Transport Assessment and will help create a permeable development.

### ***Bus Routes***

- 6.7. The majority of the bus services in the Ledbury and Hereford area are provided and managed by DRM Bus, Astons Coaches and Stagecoach. Bus route numbers 476, 417, 132, 675 and 600 run closest to the site.

#### Bus route 476

- 6.8. Bus route number 476 links Ledbury to Hereford and runs a relatively frequent service Monday – Friday which is reduced over the weekend, it does not run on Bank Holidays. The closest bus stops are located along The Hereford Road (Goulding Way Stop) approximately 0.45km from the site and The Homend (Railway Station Stop) approximately 0.9km from the site.
- 6.9. Bus route 476 offers convenient access to city of Hereford, the largest urban area in the district, it also runs onto the town of Bromyard.

#### Bus route 417

- 6.10. Bus route number 417 links Ledbury to Worcester via Cradley and runs every 4 times a day Monday – Saturday and not on Bank Holidays. The bus route has stops along The Homend the closest being the Railway Station Stop as above.

#### Bus route 132

- 6.11. Bus route 132 runs from Ledbury to Gloucester via Newent Monday – Friday and runs approximately every two hours from Ledbury. It links the site to the centre of Gloucester City providing a further opportunity to access community facilities including hospitals, employment opportunities, retail facilities and educational establishments. The closest stop to the site is the Ledbury Tesco Stop off the Homend which is approximately 0.8km from the furthest point of the site.

Bus route 675/676

- 6.12. Bus route 675/676 provides a bus route between Ledbury and Great Malvern, Colwall and West Malvern approximately every 2 hours.

***Railway Stations***

- 6.13. The nearest railway station to the site is Ledbury Station located immediately to the south east of the site, approximately 0.3km away. It is therefore readily accessible and within walking distance of the site, there is also free parking if vehicular travel was preferred which would occur via the Bromyard Road from the site. The Ledbury Station is managed by London Midland and provides direct routes to Birmingham and London Paddington on a daily basis. Trains to Hereford (approximately 20minutes), Malvern (approximately 15 minutes) and Worcester (approximately 30 minutes) run direct at least hourly from Ledbury station. There are also frequent services to Cheltenham and Gloucester with the route via Worcester taking around 1h10 and via Birmingham New Street 2h15 (estimate).

**RETAIL**

- 6.14. This section identifies the range of convenience shopping available within a distance accessible by walking, cycling or public transport from the site. These retail facilities are categorised as Principle Centres, Secondary Centres, Local Centres and Neighbourhood Centres as identified in the adopted Core Strategy.
- 6.15. As identified in the Town Centre Study Update (2012) Ledbury's higher than National Average comparison goods units, low vacancy rates and recent developments such as the Design Quarter, demonstrate its strength as an independent/niche retail sector.
- 6.16. Ledbury has not been identified as an area where its urban extension requires a new neighbourhood centre. This is likely to be due to the Tesco Superstore which is located approximately 0.6km from the site, which serves the needs of north Ledbury residents, while the Coop (approximately 1.3km from the site) serves the needs of the residents in the southern areas, there is also a SPAR located on the High Street approximately 1.1km from the site. In addition there has been significant local resistance to out of town food superstore development in the area, with applications from Tesco seeking to relocate their Orchard Lane Store and Sainsbury's which is not currently represented in the town being rejected. An

application from Aldi was submitted on 7<sup>th</sup> March 2016 (Ref: P160606/F) situated on the Leadon way which is approximately 0.9km from the site and was approved subject to conditions on 14<sup>th</sup> September 2016. Overall, as the entire Town centre is within the 2km walkable radius of the site there is little requirement for further convenience retailing elsewhere.

### ***Other Accessible Retail***

- 6.17. In addition to the above, there are a number of other retail facilities outside of the identified 2 km walking distance but located within or nearby nodal points for other activity such as employment or leisure or located along main public transport routes; these facilities would likely be used by future residents of the proposed scheme as part of linked trips.

### ***Hereford City Centre***

- 6.18. As identified above Hereford is the Principle Centre for the county and its centre offers a large variety of high street shops, services and food outlets including the recently developed Old Market shopping centre and the centrally located Maylord Shopping Centre. Both of which have significant parking and disabled access facilities to the shops within them. There are also a variety of supermarkets within close proximity to the city centre which include; Tesco, Aldi, Iceland, Sainsbury's, Waitrose and Morrisons. In addition to this there is an Asda Supercentre located off the A49/A465 junction which can be accessed via buses which run every 20 mins from the city centre. The store is 7000sq.m (gross) and the largest food store in Hereford open 24 hours Tuesday – Friday with slightly reduced opening hours on Monday and the weekend.

### ***Out of Town Retail Hereford***

- 6.19. Hereford Retail Park is located 1.5km from Hereford City Centre off Newtown Road and the 77 bus provides a direct route. It contains 6302sq.m (gross) floorspace of A1 bulky goods.
- 6.20. Holmer Road Retail is located to the North of Hereford Retail park further up the Newtown Road where it merges onto Holmer Road. It is a small stretch of several retail parks offering a variety of A1 bulky and convenience goods. The sites are also opposite a Coop Store, Hereford Sports Centre, Leisure Club and Hereford Racecourse offering opportunities for linked trips.



***Proposed Shopping Provision***

- 6.21. The above demonstrates the range of shops and services that exist within easily accessible public transport routes from the site. These centres will help meet the longer ranging shopping needs of residents at the new development and visa versa the new development will help support these local shopping facilities. However, an objective of the proposal is to deliver sustainable development that reduces the need to travel for essential everyday needs. Therefore the close location of the site to the Ledbury town centre is paramount to its sustainability, which has been recognised by Herefordshire Council in allocating a mixed use urban extension in this location. In accordance with adopted Core Strategy Policy LB1 – Development in Ledbury the scheme seeks to enhance connectivity with the town centre and with LB2 – Land North of the Viaduct, by creating new walking and cycling links from the urban extension to existing services and facilities.

**EMPLOYMENT OPPORTUNITIES**

- 6.22. Ledbury is identified as a Market Town which will assist in providing a series of enterprise hubs to compliment Hereford Enterprise Zone as identified in the explanatory text of Policy E1 – Employment Provision of the adopted Core Strategy. It also has the significant benefit of easily accessible rail links and tourism expenditure as a historic rural market town creating multiple jobs.
- 6.23. Land between Marcle Road and Ross Road has been identified as a strategic employment location which will accommodate around 12ha of employment land to support existing employment land adjoining the site and the proposed growth of Ledbury's population which this scheme will bring.

**Orchard Business Park – Bromyard Road**

- 6.24. The Orchard Business Park abuts the eastern boundary of the proposed site and is therefore within easy walking distance for future residents. It hosts a variety of businesses including Sequani Limited a non-clinical pharmaceutical company, Wye Fruit – a fruit and vegetable wholesaler and ABE Logistics and the Helping Hand Company

**Old Wharf Industrial Estate**

- 6.25. Old Wharf Industrial Estate is located in south Ledbury and is approximately 2km from the site. It can be easily accessed by bus from the railway station stop on the 417 route. It has a variety of businesses located on it such as Orna Ingredients – a UK dairy foods manufacturer and Ledbury Carpets and Interiors.

*New Mills Industrial Estate*

- 6.26. New Mills Industrial Estate is located in west Ledbury just over 1km from the site. It can be easily accessed on the 600 Ledbury Circular Bus route leaving from the railway station stop operating on a frequent basis. The estate includes a Homebase DIY and garden centre, veterinary practice, an animal food store and several manufacturing businesses. Heineken's cider mill is also located on Little Marcle Road.

*Little Marcle Road Industrial Estate*

- 6.27. Little Marcle Road Industrial Estate is located approximately 1.5km from the site and can be accessed on the 600 or 675 bus routes leaving from the railway station stop leading directly to the entrance of the estate. There is a motorbike dealership and car servicing company located on site.
- 6.28. Clearly there are a variety of job opportunities in close proximity of the site, with all existing industrial estates within the 2km proposed walking distance buffer. Looking at Herefordshire Council's 2011 Fact and Figures Report for Ledbury, it identifies that the highest employment sectors are real estate, renting and business activities, with a large proportion also employed in manufacturing jobs. It was also noted that more than half of local residents are employed in the town suggesting high levels of self-containment.

**COMMUNITY SERVICES**

- 6.29. This section identifies the range of community facilities and public services accessible to the site.

***Public administration***

6.30. The City of Hereford provides the administrative centre for Herefordshire and contains a wide range and number of public services and facilities, such as the 'Job Centre' and career advice centre, Citizen's Advice Bureau, legal services and the law courts. The city plays a vital role as a social and economic hub of the County.

6.31. As detailed earlier within this chapter, Hereford City Centre is easily accessible from the site via public or private transport.

### ***Emergency Services***

6.32. The site is well served by emergency service provision. West Mercia Police – Ledbury Police Station, Gloucester Royal Hospital (NHS District General Hospital), Hereford County Hospital, Malvern Community Hospital, Ledbury Community Health and Care Centre and Ledbury Fire Station are all located within easy reach of the site.

6.33. NHS District General Hospitals offer a comprehensive range of facilities including maternity units, outpatients and accident and emergency.

### ***General Practitioners***

6.34. The site falls within the catchment area of St Katherine's Surgery and Ledbury Market Surgery.

### ***Dental surgeries***

6.35. There are 3 dental practices within 1 mile of the site, Abbeycottage Dental Practice is the closest located on the Homend and accepts NHS patients. Private practices Spa Dental and Ledbury Dental Centre are both located on The Southend.

### ***Community Centres***

6.36. Ledbury Community Centre is located on Lawnside Road and is easily accessible by walking and cycling from the site. It offers 2 bookable rooms and a main hall for the local community. A variety of community events are available at the centre with several weekly activity clubs and social group meetings such as keep fit groups, Bridge and Parish Council meetings.

## **EDUCATION**

### ***Primary Schools***

6.37. Ledbury Primary School is the closest to the site situated on Long Acres and very accessibly located no more than 2km from any point on the site. Discussions have been held and established that Herefordshire Council would be seeking financial contributions for an extension to the existing school rather than the erection of a new school on site.

6.38. The Local Education Authority (LEA) identify that new development of 625 dwellings is expected to generate a demand for some 109 primary school spaces. As the number of residents at the new development grows it is likely that there will be a requirement for additional primary school facilities within the area.

6.39. In addition to Ledbury Primary School there is also Eastnor Primary School located on Clencher's Mill Lane 2.3 miles from the site and Bosbury C of E Primary School, Bosbury is located 4 miles from the site, both of which are in the wider Ledbury area.

### ***Secondary Schools***

6.40. The LEA identify that new development of 625 dwellings is expected to generate a demand for secondary school spaces.

6.41. John Masefield High School is located off Mabel's Furlong less than 2km from the site within convenient walking, cycling and public transport access. The school provides 6<sup>th</sup> form education for pupils up to 18 years old and also provides for special needs schooling.

6.42. Queenswood School is an independently funded school located off Callow Hills Farm and is located 2.8 miles from the site. It is a specialist residential school for children aged 11-19 with Behavioural, Emotional and Social Difficulties (BESD).

6.43. Discussions with the LEA are ongoing with regard to the likely capacity of secondary education establishments to accommodate pupils generated by the new development. Any demand for school places not met by existing capacity of schools within the area will need to be provided for by way of a contribution from the developer to expand or improve existing facilities. This contribution could be provided by way of a commuted sum.

***Early Years***

- 6.44. There are a number of pre-school facilities within Ledbury including Busy Bees @ LPS (Ledbury Primary School) which is a preschool set in the grounds of Ledbury Primary School within 2km of the site. They offer pre-school sessions for children ages 2-5 and breakfast, afterschool and holiday clubs for children aged 3 – 11 years. Jack-in-the-Box day nursery is located adjacent to Bosbury Primary School mentioned above, 4 miles from the site. The close proximity of both local nurseries to the sites nearest primary schools demonstrates clear educational service provision for young families who will reside on site.

**SPORTS AND RECREATIONAL FACILITIES**

- 6.45. This part of the chapter will assess the availability of existing sports and recreational space within the local area.

***Local Plan Requirements***

- 6.46. Herefordshire Council in accordance with the adopted Core Strategy Policy OS1 requires residential development to sometimes provide appropriate amounts of open space, sports and recreational facilities. These provisions will be sought to meet the standards set out in Policy OS2.
- 6.47. In addition, wherever possible, the new provision of open space, sports and recreation facilities should help strengthen the link with green infrastructure corridors. New provision which repairs any previous fragmentation or isolation of sites as part of green infrastructure corridors will be looked upon favourably.
- 6.48. The proposed indicative masterplan has been designed to ensure that these access standards have been met throughout the development. There is clearly an intention and opportunity for links to proposed formal and informal on site public open space to be provided as well as safe links to offsite facilities (see below).

***Public Open Space***

- 6.49. There are a number of public open spaces accessible to the site within the 2km walkable buffer. These include, Ledbury Primary School paying fields and Halo Leisure Centre Ledbury playing fields and sports pitches. There are 39 sports pitches (private/public use) in the wider Ledbury area which equates to a ratio of 1:575 16+ adults this compares favourably to national ratios of 1:989. 24 of these pitches are secured for community use<sup>1</sup>.
- 6.50. In addition to the more formal provisions of open space set out above, the site has the benefit of being located with easy access to the open countryside and the Malvern Hills AONB. The new development is well connected to the Public Rights of Way network providing easy access to well-known recreation routes and destinations for hill and nature walking. It is also within close proximity to the Riverside Walk a large area of parkland which runs along the river Leadon in Ledbury. The site will also be providing links to the riverside walk through the creation of an informal linear park to the west of the site. Furthermore, Queenswood County Park is located under 20 miles from the site and is the only designated Country Park in the county. It includes the arboretum, a 47 acre tree collection with over 1,200 rare and exotic trees from all over the world and 123 acres of semi-natural ancient woodland.
- 6.51. Overall, this section has demonstrated there is a wide plethora of existing and proposed provision of services and facilities that will serve the population of the new development including, retail, education, health and emergency services, sports and recreational facilities and employment opportunities.

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<sup>1</sup>Ledbury Area Herefordshire Playing Pitch Assessment 2012

## **7.0 PLANNING POLICY CONTEXT**

7.1. In order to demonstrate the acceptability of the application proposal, this section of the report carries out an examination of the development against relevant planning policy. In this case, the principal considerations will relate to the appropriate delivery of housing and employment in the County in the short and medium-term, whilst having regard to the sustainability of the site. In doing so regard shall be significantly weighted towards the recently adopted Herefordshire Core Strategy and then the NPPF. The Unitary Development Plan (2007) will not be referred to as it was only intended to guide development within the county until 2011 or until its “saved” policies are superseded by other emerging Development Plan Documents and neighborhood plans. There are none that are relevant to the determination of this application which are not covered elsewhere i.e. the Core Strategy or the Framework.

7.2. As set out above, the only notable planning history relating to the site is its allocation in the recently adopted Herefordshire Core Strategy under Policy LB2 for which the proposed development is in general accordance as will be demonstrated below.

### Herefordshire Core Strategy (Development Plan)

7.3. This statement will consider the relevant policies of the Herefordshire Core Strategy of which full weight is to be given due to its recent (2015) adoption. With specific reference to policy LB2 relating specifically to development of land north of the viaduct, the subject site is one that the Council itself considers to be sustainable hence its allocation within the Core Strategy.

7.4. Policy LB2 requires the following:-

- mixed use development of around 625 new homes, at an average density of around 40 dwellings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of Policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment;
- around 3 hectares of employment land, restricted to Use Class B1;
- a target of 40% of the total number of dwellings to be affordable housing;
- land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust;

- a new linear informal park to link to the existing town trail, riverside walk, recreational open space and existing allotments;
- The provision of developer contributions towards any identified need for new/improved community facilities/infrastructure improvements. This shall include a new 210 place primary school within the development (or an expansion of the existing primary school) and new recreational open space, play, indoor and outdoor sport facilities;
- provision of satisfactory vehicular access arrangements, the details of which will be determined at planning application stage;
- appropriate mitigation to safeguard the amenity of future occupants from unacceptable levels of noise and to safeguard the continued operation of existing businesses adjoining the area;
- development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and that contributes to the distinctiveness of this part of Ledbury and respects the setting and significance of the listed viaduct and the Malvern Hills Area of Outstanding Natural Beauty;
- safeguards to ensure there is no adverse impact on water quality and quantity in the River Leadon;
- new walking, cycling and bus links from the urban extension directly to the town trail and riverside walk under the viaduct, the railway station and town centre to create linkages to nearby development and existing community facilities;
- sustainable standards of design and construction; and
- a comprehensive sustainable urban drainage system which includes measures such as rain gardens and swales to manage ground and surface water drainage and safeguard against any increased flood risk.

7.5. The proposals consistency or otherwise with the policy is now examined in the table below.

The criteria forming part of the policy is listed on the left hand side of the table and the proposal's consistency or otherwise with it is set out on the right hand side of the table.

**Table 1**

Summarised Criteria	Criteria Considered
Mixed use development of around 625 new homes, at an average density of around 40	The proposal has not set an absolute amount of dwellings at this stage but is proposing a maximum



<p>dwellingings per hectare, comprising a mix of market and affordable house sizes and types that meet the requirements of Policy H3 and the needs identified in the latest version of the Herefordshire Local Housing Market Assessment</p>	<p>of 625 dwellingings, which the site is able to accommodate as supported by the documents which support the application. Making the most efficient use of the site is a requirement of the policy and will release pressure on other greenfield sites in the future. The density of the residential development is approximately 41ha, therefore consistent with the requirements of the policy.</p> <p>The proposal also includes the provision of a mix of size and tenure of dwellingings catering for a range of needs.</p>
<p>Around 3 hectares of employment land, restricted to Use Class B1.</p>	<p>The proposal seeks permission for up to 2.9 hectares of employment land to be restricted to class B1 and is therefore consistent with this element of the policy.</p>
<p>A target of 40% of the total number of dwellingings to be affordable housing.</p>	<p>40% Affordable housing is included in the development figure thus contributing to the need for a mixed housing market of varying types, size and tenure. It also meets the requirements of Policy H3 whereby developments of over 50 dwellingings are expected to meet more specific needs of the population such as younger single people, those with household adaptive needs and the elderly population.</p>
<p>Land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust.</p>	<p>The proposal includes the provision of land for a canal corridor the proposed alignment of which is agreed with the canal trust. The applicant has also committed to a financial contribution to facilitate the restoration of the canal.</p>
<p>A new linear informal park to link to the existing town trail, riverside walk, recreational open space and existing allotments</p>	<p>The proposal includes provisions for formal and informal public space and a new linear park.</p>

<p>The provision of developer contributions towards any identified need for new/improved community facilities/infrastructure improvements. This shall include a new 210 place primary school within the development (or an expansion of the existing primary school) and new recreational open space, play, indoor and outdoor sport facilities</p>	<p>The education authority have identified that a new school is not required on site and that contributions should instead be made in lieu of the development.</p> <p>Further contributions will, where deemed necessary, be made towards outdoor sport facilities.</p>
<p>Provision of satisfactory vehicular access arrangements, the details of which will be determined at the planning application stage;</p>	<p>The proposal access points into the site (as set out earlier) have been discussed with the highway authority and planning officers during pre-application discussions. The amount of traffic generated has been assessed and it is concluded that it can be accommodated onto the existing network without causing any cumulative severe impact on any of the strategic roads or the local highway network.</p> <p>The proposal creates alternative pedestrian and cycle access points with more direct access to the town centre.</p>
<p>Appropriate mitigation to safeguard the amenity of future occupants from unacceptable levels of noise and to safeguard the continued operation of existing businesses adjoining the area</p>	<p>The proposal is in accordance with this policy as set out in the accompanying Noise Assessment report.</p>
<p>Development of bespoke, high quality and inclusive design, including accommodation that will meet the needs of older persons and that contributes to the distinctiveness of this part of Ledbury and respects the setting and significance</p>	<p>The proposal site is currently greenfield and it is not within a landscape designation. The DAS explains how the proposal will achieve a high quality design. It will not cause any significant harm to the setting and significance of the viaduct or the</p>

of the listed viaduct and the Malvern Hills Area of Outstanding Natural Beauty.	setting of the AONB. In addition it is likely to contribute to a net ecological enhancement of the site.
Safeguards to ensure there is no adverse impact on water quality and quantity in the River Leadon.	In terms of flood risk and hydrology the proposal can be delivered without causing downstream flooding. The 1 in 1000 year floodplain of the Leadon has been remodelled so as to provide a more robust assessment of the floodplain shown on the Environment Agency's floodplain maps. The proposed damage strategy identifies that the quality of the water will be suitably filtered before entering the River Leadon.
New walking, cycling and bus links from the urban extension directly to the town trail and riverside walk under the viaduct, the railway station and town centre to create linkages to nearby development and existing community facilities.	Pedestrian access will be provided to the south through the Viaduct enabling pedestrians (and cyclists) to gain access onto the Hereford Road, and onto Bromyard Road which will include a new section of footway. A third pedestrian access onto the Hereford Road is potentially achievable to the south eastern corner (subject to agreement with the landowners).
A comprehensive sustainable urban drainage system which includes measures such as rain gardens and swales to manage ground and surface water drainage and safeguard against any increased flood risk.	The proposal includes a sustainable urban drainage system that includes the creation of ponds to drain the site and confirms that the development will not increase flood risk.

7.6. Given the above the proposal is consistent with Policy LB2. Where the proposal does not comply exactly with the policy it has been justified accordingly and agreed with the relevant consultees.

7.7. Other relevant policies from the Local Plan are summarised below.

- 7.8. **Policy SS1** sets out the overarching sustainability principles and states that when considering development proposals Herefordshire Council will take a positive approach which reflects the presumption in favour of sustainable development contained within national policy. Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 7.9. **Policy SS2** on delivering new homes states that a supply of deliverable and developable land will be identified to secure the delivery of a minimum of 16,500 homes in Herefordshire between 2011 and 2031 to meet market and affordable housing need. Ledbury is identified as an “Other Urban area” which has a range of services and reasonable transport provision, where there are opportunities for meeting the requirements of surrounding communities.
- 7.10. **Policy SS4** describes movement and transportation requirements where new developments should be designed and located to minimise the impacts on the transport network; ensuring that journey times and the efficient and safe operation of the network are not detrimentally impacted. Furthermore, where practicable, development proposals should be accessible by and facilitate a genuine choice of modes of travel including walking, cycling and public transport.
- 7.11. **Policy SS5** refers to employment provision, new strategic employment land, in tandem with housing growth and smaller scale employment sites, will be delivered through the plan period. New strategic employment land locations are identified at Hereford (15ha); Leominster (up to 10ha), Ledbury (15ha), and Ross-on-Wye (10ha).
- 7.12. **Policy SS6** sets out environmental quality and local distinctiveness and describes how development proposals should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations. In addition, proposals should maintain and improve the effectiveness of those ecosystems essential to the health and wellbeing of the county’s residents and its economy.
- 7.13. **Policy SS7** on addressing climate change states how development proposals will be required to include measures which will mitigate their impact on climate change. This includes focussing development at the most sustainable locations, delivering development that seeks to reduce the need to travel by private car and encourage sustainable travel options including

walking, cycling and public transport and designing developments to reduce carbon emissions and use resources more efficiently.

- 7.14. **Policy H1** sets out affordable housing thresholds and targets, where all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000m<sup>2</sup> will be expected to contribute towards meeting affordable housing needs. A target of 40% affordable housing provision will be sought on sites in Ledbury, Ross and Rural Hinterlands; and Northern Rural housing value areas (which includes Bromyard).
- 7.15. **Policy H3** ensures an appropriate mix and range of housing where residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. In particular, on larger housing sites of more than 50 dwellings developers will be expected to: provide a range of house types and sizes to meet the needs of all households, including younger single people, those with additional needs and the elderly population. The developer is committed to providing a range of dwellings in terms of size, type and tenure. Discussion are ongoing into what the affordable mix will comprise.
- 7.16. **Policy SC1** refers to social and community facilities, development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport. New development that creates a need for additional social and community facilities will be expected to meet the additional requirements through new, or extension of existing, provision or by developer contributions which meet the relevant tests of paragraph 204 of the NPPF.
- 7.17. **Policy OS1** requires provision of open space, sports and recreation facilities to benefit the local community for all new residential dwellings. **Policy OS2** goes into more detail about specific on-site provisions or off-site contributions where any new development meets all applicable set standards of quantity, quality and accessibility.
- 7.18. **Policy MT1** sets out traffic management, highway safety and promoting active travel where development proposals should demonstrate that the strategic and local highway network can absorb the traffic impacts of the development, promote and enhance sustainable travel by

protecting footways, cycleways and bridleways and provide safe access to the site for all modes of transport.

- 7.19. **Policy E1** refers to employment provision where larger employment proposals will be directed to the strategic employment sites of Hereford, the market towns and rural industrial estates where appropriate. Development proposals which enhance employment provision and help diversify the economy of Herefordshire will be encouraged.
- 7.20. **Policy E4** describes how development will support the tourism industry in Herefordshire, in particular safeguarding the historic route of the Herefordshire and Gloucestershire Canal, including its infrastructure, buildings, towpaths and features. New developments within or immediately adjoining the canal corridor will be required to incorporate land for canal restoration.
- 7.21. **Policy LD1** sets out landscape and townscape requirements, development proposals should demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection. They should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features by incorporating and managing new landscape schemes and maintain and extend tree cover to support green infrastructure.
- 7.22. **Policy LD3** on green infrastructure states that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure. This is shown through the identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodlands, water courses and adjoining flood plain and the provision of new on site green infrastructure.
- 7.23. **Policy ID1** sets out infrastructure delivery requirements for the provision of new and/or the enhancement of existing infrastructure, services and facilities to support development and sustainable communities, will be achieved through a co-ordinated approach. Where necessary, in addition to planning conditions for essential on-site design requirements and critical infrastructure, developer contributions towards strategic infrastructure through s106 agreements and/or a future Community Infrastructure Levy (CIL), will be secured in accordance with national planning policies and other relevant legislation.

## Summary

- 7.24. The proposal does not conflict with any of the policies identified above, thus supporting the conclusion that the proposal is in general accordance with the Development Plan when read as a whole.

## National Planning Policy

### National Planning Policy Framework, March 2012

- 7.25. This statement will consider the relevant paragraphs of the NPPF under a number of sub-headings.
- 7.26. The NPPF has represented a key change in direction for central government in that it reflects a distinct change in attitude on the part of the government. The NPPF is clear in that local authorities are asked to ensure that objectively assessed needs for new development are met in a sustainable manner. Importantly, it is evident from the advice provided within the NPPF that the government expects this approach to be adopted by Local Authorities ‘without delay’. Furthermore, emphasis is placed by the government on the need to ensure that applications should be considered favourably unless there is some clear harm to the principles of sustainable development.
- 7.27. Paragraph 196 sets out that the NPPF is a material consideration in the determination of planning applications.
- 7.28. Paragraph 14 sets out that:
- “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.”*
- 7.29. It then goes on to set out that for decision taking this means (the criteria have been numbered to make it easier to refer to):
1. *“approving development proposals that accord with the development plan without delay; and*
  2. *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- a) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- b) *specific policies in this Framework indicate development should be restricted.*<sup>9</sup>

7.30. The proposed development meets the first point in that it is in accordance with the local development plan and should therefore be approved without delay.

***Is the development sustainable?***

7.31. An assessment is now made of paragraph 7 of the NPPF and how the proposal will meet the three dimensions to sustainable development. Paragraph 8 states:

*“These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.”*

7.32. Therefore, the three dimensions will be now be assessed to determine whether the development does represent a sustainable form of development irrespective of its allocation in the Development Plan. The table below summarises the main economic, social and environmental gains that the proposal will bring to the local community and the District.

Sustainable Development	Benefit of the Role
The Economic Role	<p>Construction Jobs</p> <p>The proposal will provide a range of jobs during the construction period. The housebuilding industry estimates that every new home built generates 1.5 direct house building jobs and 0.9 jobs in the supply chain (2.4 in total). Therefore 1500 jobs could be generated from the development where up to 625 new homes will be created.</p>



	<p>The construction of the employment buildings will create additional jobs.</p> <p>Residential Units</p> <p>Based on 2.3<sup>2</sup> (2011 Census) persons per household the proposed (up to) 625 dwellings would provide for a total population of 1437 people. Based on Herefordshire's average number of economically activity people in employment, 77.9%<sup>3</sup> (Nomis), the scheme would accommodate up to approximately 1119 economically active residents<sup>4</sup> whom will contribute to the wider labour force pool, assisting in meeting future employment requirements within the local area.</p> <p>Household Income</p> <p>The average weekly earnings within Herefordshire total £459<sup>5</sup> (Nomis) providing annual average earnings of £23,868. On the basis of these figures, we calculate that economically active residents of the proposed development would generate a gross annual income totalling approximately £26,708,292, an element of which will form disposable income, benefiting the local economy.</p>
The Social Role	<ul style="list-style-type: none"> <li>• The proposed development will contribute towards meeting the 5 year housing land supply (5YHLS). The site is suitable, achievable and deliverable and is allocated for development.</li> <li>• The site represents a good location for the development proposed both in terms of the County and for Ledbury. It is well located and will change from an urban fringe to urban area linking up well with the</li> </ul>

	<p>rest of the town.</p> <ul style="list-style-type: none"> <li>• The provision of up to 625 dwellings will support and sustain the vitality of the local community.</li> <li>• The proposal will deliver up to 250 affordable homes to meet the needs of those on lower incomes.</li> <li>• The provision of the market dwellings will also potentially enable some people who want to upgrade or downgrade to stay within the area.</li> </ul>
The Environmental Role	<ul style="list-style-type: none"> <li>• The site is free from any landscape, spatial related or environmental designations. The setting of the Viaduct and its significance will be impacted upon by the development but not in a view that will cause significant harm.</li> <li>• The proposed development is considered arboriculturally sound allowing for the vast retention of trees on site with the new planting set to greatly increase the tree cover on.</li> <li>• With appropriate mitigation the proposal is likely to preserve the site's ecological value. Moreover, the scheme proposes a number of ecological enhancement measures, particularly on land to the west of the bridleway.</li> <li>• Highway improvement measures will mitigate the impact of the development as will the proposed drainage works.</li> </ul>

7.33. It is therefore concluded that the proposal does represent a sustainable form of development.

7.34. One of the core land use planning principles that should underpin both plan-making and decision-taking states:

*“Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and*

*other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;”*

7.35. The proposal is fully consistent with this objective.

### ***Housing land supply***

7.36. Linked to the above core planning principle, paragraph 47 of the NPPF identifies a requirement *“to boost significantly the supply of housing”*. The NPPF states that this should be achieved by:-

- *“ensuring that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area and;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing.”*

7.37. The proposed development meets this requirement when considering the Core Strategy’s evidence base which contains the Five Year Housing Land Supply Document 2014-2019. The document concluded an Objectively Assessed Need between 15,400 and 16,200 homes in Herefordshire over the 2011-31 plan period. The allocated site is included as part of this requirement.

### ***Access***

7.38. The proposed development will offer significant linkages to the already developed urban area providing new vehicular, pedestrian and cyclist access points which facilitate safe and convenient access to Ledbury’s services and facilities. The development is to be accommodated onto the existing network without causing any cumulative severe impact on any of the strategic roads or the local highway network as set out in the accompanying Transport Assessment.

### ***Natural environment***

7.39. Section 11 of the NPPF deals with the natural environment or open countryside. The first bullet point under paragraph 109 sets out that this principle is to be achieved by *“protecting*

*and enhancing valued landscapes, geological conservation and soils.”* The site is not directly affected by any landscape designations (such as an AONB or SLA) and is not considered to be part of a valued landscape. The accompanying LVIA concludes that most views of the site are localised. Views are mostly from neighbouring surrounding roads, public footpaths and from adjacent employment areas. Wider views of the site tend to be in the context of early development within Ledbury. The Urban Fringe Sensitivity Analysis: Hereford and Market Towns, January 2010, classifies the entire site as “medium-low sensitivity”. The accompanying Air Quality and Noise Assessment reports confirm the development will not give rise to unacceptable levels of air and noise pollution, appropriate mitigation is in place during the construction phase and double glazing and acoustic ventilation measures will be utilised where required. They are therefore policy compliant and will not create obstacles in the planning process.

- 7.40. Whilst the site is allocated for development the applicant accepts that there is still a requirement under the Core Planning Principles in paragraph 17 of the NPPF to take account of the different roles and character of different areas *“recognising the intrinsic character and beauty of the countryside”*. Consequently, the development has been designed to respect the impact on the open countryside by allowing for sufficient landscaping along its boundaries which neighbour the open countryside. The canal and linear park will also help to provide an attractive transition into the open countryside from the site. In this respect it is considered that the relationship between the built environment and the open countryside resulting from this development is going to potentially provide a more attractive and publically accessible one than already exists.

### ***Conserving and Enhancing the Historic Environment***

- 7.41. The NPPF requires applicants *‘...to describe the significance of any heritage assets affected, including any contribution made by their setting’*. The accompanying Heritage Desk Based Assessment carries out this work.

- 7.42. The archaeological remains identified are as follows:

- A medieval/post-medieval mill race (artificial channel), which carried water to New Mills, just south of the site; this runs through the west of the site and would comprise an in-filled ditch buried below the present ground surface.

- Any buried foundation remnants associated with Winster Elms, a former early 19th century farmhouse located in the north of the site, beside the road.
- The posited location of an earlier mill, known as Wymondestre Mill, in the north of the site; the location of this mill is only weakly evidenced.
- The mill race, and any remnants of Winster Elms, would be considered low value heritage assets. These would not be considered significant enough to require preservation in situ, and any impact could be mitigated for by means of archaeological monitoring, i.e. watching brief. Any remains of Wymondestre Mill would be of significance, though it is not anticipated their requiring preservation in situ, or otherwise precluding development. Again, the mill is only weakly evidenced in this area and, on the basis of the available information, would not be anticipated in the location identified.

7.43. As a Grade II Listed building, the viaduct does not comprise a designated heritage asset of '*the highest significance*' as defined by the NPPF. The site forms part of its setting but it is not considered that the development would result in substantial (prohibitive in principle) harm to the significance of the viaduct. While highly visible, the viaduct was designed for functionality. It has no 'designed' elements to its setting, and its setting already changes a great deal along its length, as it passes between countryside and town; that is the character of its setting and, in a general sense, it would not change. The conclusion is that the proposed development will not lead to substantial harm to or total loss of significance of any designated heritage asset. If it is concluded by the LPA that the proposal will cause less than substantial harm to the setting of the heritage asset that would then need to be weighed against the public benefits of the proposal which include for example:

- The additional significant competition in the market place from the market homes.
- The supply of affordable housing
- The recreational/leisure opportunities created by the canal, linear park and other public open space
- Employment opportunities

7.44. In this case the public benefits are considered to outweigh any less than substantial identified harm to the setting of the Viaduct.

### ***Design***

7.45. Paragraph 58 of the NPPF confirms that decisions should ensure that developments succeed in the following:-

- Function well and add to the overall quality;
- Establish a strong sense of place;
- Optimise the potential of the site to accommodate development;
- Respond to local character and history;
- Create safe and accessible environments; and
- Be visually attractive.

7.46. Whilst the proposal is in outline form, the illustrative layout of the proposal is assessed in the accompanying Design and Access Statement where it is set out that the proposal will or, where relevant, is intended to (e.g. having regard to the outline nature of the application) and is capable of satisfying the objectives listed above. The design provides a density to make effective use of the land, whilst having regard to its location on the edge of the settlement. The proposed indicative scale and massing will also help to achieve this objective. The DAS clearly explains the intention to provide a high quality design that will enhance the character of the most recent large residential developments in Ledbury.

### ***Economic Growth***

7.47. Paragraph 19 of the NPPF states that planning should encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. It has been acknowledged by the Secretary of State on numerous appeals that housing developments represent economic growth. Equally, the proposal provides 2.9 hectares of serviced employment land for business to occupy now and in the future.

7.48. To conclude, it has been established that the proposal meets the three dimensions to sustainable development and as such the proposal is considered to represent a form of sustainable development.

## **8.0 ASSESSMENT OF MATERIAL CONSIDERATIONS**

8.1. This section provides an assessment of the follow matters:-

1. Whether the proposal is in accordance with the NPPF and DP;
2. Whether there are any other material considerations of relevance; and
3. The planning balance.

### ***1. Whether the proposal is in accordance with the NPPF and DP?***

8.2. The principle of development is wholly supported by its allocation in the adopted Core Strategy and policy LB2. The proposal is in general accordance with Policy LB2 of the Plan for the reasons summarised below.

- The proposal provides for up to 625 dwellings.
- The proposal provides for 40% of affordable housing.
- The proposal provides 2.9 ha of employment land for B1 use, which is generally consistent with the provision of “around” 3 hectares as set out in the policy.
- The proposal make land and a contribution to facilitate a restored canal through the site.
- The proposal includes a design that will enhance the built character of other large housing developments in Ledbury. This does not significantly harm the setting of the AONB or listed Viaduct. The proposal creates an efficient use of land and reducing pressure on other greenfield sites.
- The proposal provides contributions to required community facilities such as existing schools and sports facilities.

- The proposal provides new sustainable transport routes under the viaduct linking it to nearby development and existing community facilities. The increased traffic created can be accommodated onto the existing network.
- The proposal provides sustainable standards of design and construction including a comprehensive sustainable urban drainage system making use of the canal.

8.3. Overall, it is considered that the site is in accordance with the Development Plan when read as a whole. Any breach of the Plan, including its intentions for the site, are justified elsewhere.

***2. Whether there are any other material considerations of relevance?***

8.4. In terms of the Framework the proposal should be considered in the context of the presumption in favour of sustainable development which supports development which is in accordance with the Development Plan (paragraph 14). In this respect the proposal should be approved without delay.

8.5. If it were decided that the proposal was in breach of the development plan it would be necessary to identify whether there are any 'other material considerations' which outweighed that identified and ultimately prevents this from being considered a sustainable form of development. Depending on the alleged breach of the Plan it may be necessary to consider whether the presumption in favour of sustainable development applies. It is difficult to say with any certainty without knowing what any alleged breach of the Plan is but the following considerations might apply in this case.

1. The council are unable to demonstrate a 5YHLS.
2. In terms of transport related matters, paragraph 32 of the NPPF advocates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The information provided in the preceding paragraphs and in the accompanying Transport Assessment demonstrates that that is not the case.
3. As established above, if it were concluded that the proposal caused less than substantial harm to designated heritage assets this would be outweighed by the public benefits of the proposal.



4. The scheme represents a sustainable form of development. Indeed, it is a site that the Council itself considers to be sustainable hence its allocation within the Core Strategy.

8.6. Aside from the impact on heritage assets the only possible adverse impacts resulting from the proposal is the loss of agricultural land and the impact on the open countryside of which the weight to be attached to these impacts must be significantly tempered by the fact the site is already allocated for development and so the principle of development must be considered acceptable.

8.7. The benefits of the scheme are those considerations which have been listed below:

- The proposal includes a variety of uses all of which are linked to the delivery of a mixed use site which is allocated and therefore supported by the recently adopted Herefordshire Core Strategy. This represents a benefit which must be afforded substantial weight.
- The proposal will help meet the demand for housing in the area. Added to this the Government has identified a requirement to “significantly boost the supply of housing” and one that is relied upon in the Council’s five year housing land supply. In accordance with other appeal decisions this benefit must be afforded substantial weight.
- The proposal will provide for affordable housing for which there is a significant demand within Ledbury. This benefit of the proposal should be given significant weight.
- The economic benefits of the proposal in terms of the number of jobs created during construction of the scheme and additional expenditure and usage from the new residents to help sustain the viability and vitality of the facilities within the area. The proposed employment land will also create long term jobs for people.
- The proposal will provide for a net ecological enhancement.
- The proposal provides leisure and recreational opportunities for existing and future residents.
- The financial contribution the proposal will make towards the New Homes Bonus.

- 8.8. Overall it is considered that the scheme represents a sustainable form of development and that the benefits of the scheme demonstrably outweigh any adverse impact(s), such as the potential less than substantial harm to the setting of the Grade II listed Viaduct and development of a greenfield site.

## **9.0 CONCLUSIONS**

- 9.1. The proposal is for a mixed use development including the erection of up to 625 new homes (including affordable housing), up to 2.9 hectares of B1 employment land, a canal corridor, public open space (including a linear park), access, drainage and ground modelling works and other associated works. The proposal is for outline planning permission with all matters reserved for future consideration with the exception of access. Only the means of access into the site is sought as part of this outline application, not the internal site access arrangements (i.e. they are not formally form part of the application). Vehicular access is proposed off the Bromyard Road.
- 9.2. It has been demonstrated that the proposal is in general accordance with the Core Strategy which allocates the site for the mix of uses provided for in this application proposal. The outline application allows the requirements of the Policy to be met going forward i.e. though the reserved matters applications to be submitted in the future. It has also been demonstrated that where the application does seek to deviate from the policy which allocates the site there is adequate justification for doing so. As such the proposal is in general accordance with the Plan when read as a whole.
- 9.3. On this basis and as set out in the NPPF at paragraph 14, the application can be approved without delay.
- 9.4. Despite the proposal's consistency with the Development Plan should an alleged breach of the Plan occur it would be necessary to consider whether there are other material considerations which outweigh the alleged breach and it may be necessary to apply the titled balancing exercise<sup>6</sup> given that the council is currently unable to demonstrate a 5YHLS.
- 9.5. It has been demonstrated that the proposal comprises sustainable development. The benefits of the proposal are those outlined below.
- The proposal includes a variety of uses all of which are linked to the delivery of a mixed use site which is allocated and therefore supported by the recently adopted

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<sup>6</sup> Once it has been demonstrated that the public benefits outweigh the "less than substantial" harm to the heritage assets.

Herefordshire Core Strategy. This represents a benefit which must be afforded substantial weight.

- The proposal will help meet the demand for housing in the area. Added to this the Government has identified a requirement to “significantly boost the supply of housing” and one that is relied upon in the Council’s five year housing land supply. In accordance with other appeal decisions this benefit must be afforded substantial weight.
- The proposal will provide for affordable housing for which there is a significant demand within Ledbury. This benefit of the proposal should be given significant weight.
- The economic benefits of the proposal in terms of the number of jobs created during construction of the scheme and additional expenditure and usage from the new residents to help sustain the viability and vitality of the facilities within the area. The proposed employment land will also create jobs for people.
- The proposal will provide for a net ecological enhancement.
- The financial contribution the proposal will make towards the New Homes Bonus.

9.6. If necessary it is difficult to consider any alleged reason for refusal or cumulative adverse impacts where the benefits of the scheme would not demonstrably outweigh any adverse impact(s), such as the less than substantial harm to the setting of the Grade II listed Viaduct.

9.7. Overall, whilst it is the applicant’s position that the proposal is in general accordance with the Plan when read as a whole if it is necessary to do so when carrying out the planning balancing exercise then it must be concluded that the benefits demonstrably outweigh any identified adverse impacts.

9.8. We respectfully therefore request that planning permission be approved.