

4.0 PLANNING CONTEXT

4.1 Introduction

4.1.1 This chapter outlines the planning history of the Site and highlights the planning policies relating to the Site. It examines the provisions of the Development Plan, and national planning policy and sets the framework against which the proposal for mixed use development should be assessed. The chapter demonstrates that the proposed new residential and employment uses at the subject site conform to all tiers of planning policy. The following Chapters also refer to the same hierarchy of policy that are relevant to the particular topic.

4.2 Planning History

4.2.1 The Site falls within the administrative boundary of Herefordshire Council.

4.2.2 The only notable planning history relating to the site (bearing in mind the proposed use) is its allocation in the recently adopted Herefordshire Core Strategy under Policy LB2 for which the proposed development is in general accordance.

4.2.3 The planning policy context set out below reflects the range of policies considered by the Environmental Statement team where they impact on the proposals.

4.3 The Development Plan

4.3.1 The Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan. In this instance the Development Plan comprises the recently adopted Herefordshire Council's Core Strategy (2015) replacing the 2007 Unitary Development Plan.

4.3.2 The above development plan estimates the need for a minimum of 16,500 new homes to be developed in order to meet market and affordable housing need from 2011-2031. Due to the sparse nature of population density within Herefordshire, approximately one third of

development is focused in the five market towns, accounting for 5,300 new dwellings collectively. Ledbury is one of those market towns.

4.3.3 An emphasis on affordable housing has also been highlighted due to the widening poverty gap and key issues of affordability within the area.

4.3.4 When looking at the specific “place shaping” strategies of the development plan, the subject site in Ledbury North of the Viaduct has been highlighted as a key area for housing and employment development, allowing for a sustainable mixed use urban extension of the town.

4.3.5 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 Leaden;
- 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.

4.3.6 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 4.1 Proposal Consistency with Policy LB2

Summarised Criteria	Criteria Considered
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	<p>The proposal has not set an absolute amount of dwellings at this stage but is proposing a maximum of 625 dwellings, 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 dwellings catering for a range of needs.</p>

Around 3 hectares of employment land, restricted to Use Class B1.	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.
A target of 40% of the total number of dwellings to be affordable housing.	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 dwellings are expected to meet more specific needs of the population such as younger single people, those with household adaptive needs and the elderly population.
Land and contributions to facilitate a restored canal to be delivered in partnership with the Herefordshire and Gloucestershire Canal Trust.	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.
A new linear informal park to link to the existing town trail, riverside walk, recreational open space and existing allotments	The proposal includes provisions for formal and informal public space and a new linear park.
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>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>
Provision of satisfactory vehicular access arrangements, the details of which will be determined at the planning application stage;	The proposal access points into the site (as set out earlier) have been discussed with the highway authority and planning officers during pre-

	<p>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>
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	The proposal is in accordance with this policy as set out in the accompanying Noise Assessment report.
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.	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 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	Pedestrian access will be provided to the south

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.	through the Viaduct enabling pedestrians (and cyclists) to gain access onto the Hereford Road.
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 attenuation basins to drain the site and confirms that the development will not increase flood risk.

4.3.7 Other relevant policies from the Core Strategy are summarised below.

4.3.8 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.

4.3.9 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.

4.3.10 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.

- 4.3.11 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).
- 4.3.12 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.
- 4.3.13 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.
- 4.3.14 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 1000m² 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).
- 4.3.15 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. Discussions are ongoing into what the affordable mix will comprise.

- 4.3.16 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.
- 4.3.17 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.
- 4.3.18 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, cycle ways and bridleways and provide safe access to the site for all modes of transport.
- 4.3.19 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.
- 4.3.20 Policy E4 describes how development will support the tourism industry in Herefordshire, including 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.

4.3.21 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.

4.3.22 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.

4.3.23 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.

4.4 National Planning Policy

4.4.1 The Government defines the purpose of planning is to help achieve sustainable development. In publishing the National Planning Policy Framework (NPPF) in March 2012 the definitions of sustainable and development were stated as follows in the Ministerial foreword:

- Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.
- Development means growth.

- 4.4.2 Sustainable development seeks to deliver housing and economic growth and employment to secure a better quality of life while protecting and enhancing the environment and using natural resources prudently (NPPF). The planning system seeks to achieve this objective by:
- providing for the nation's needs for new homes, commercial and industrial development, food production and minerals while respecting the environment;
 - conserving both cultural heritage and natural resources, taking particular care to safeguard designations of national and international importance; and,
 - shaping new development patterns in ways which minimise the need to travel.
- 4.4.3 The Government's Planning Policy Framework sets out the policy framework within which local planning authorities are required to draw up their development plans, and take decisions on individual applications, in order to secure sustainable development.

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- 4.4.4 The National Planning Policy Framework sets out all of the Government's planning policies for England and how these are expected to be applied. It replaced the previous regime of Planning Policy Statements and Planning Policy Guidance Notes.
- 4.4.5 Paragraph 7 identifies '...three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.4.6 At paragraph 14, the NPPF sets out a ‘...presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking’.

4.4.7 The following paragraphs deal with separate aspects of the NPPF on a topic by topic basis.

Housing

4.4.8 In order to ‘deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities’ the NPPF requires LPA’s to:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

4.4.9 The implications of these requirements are dealt with in the section dealing with the development plan above.

Employment

- 4.4.10 The NPPF provides clear support for the delivery of economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. Paragraph 19 states that '...significant weight should be placed on the need to support economic growth through the planning system.'
- 4.4.11 The delivery of the employment uses at the scale identified has been a key objective of the proposal, aiming to supplement existing employment.

Conserving and Enhancing the Natural Environment

- 4.4.12 The NPPF makes it clear, at paragraph 109, that the planning system should contribute to and enhance the natural and local environment by:
- 'protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'
- 4.4.13 The site is not considered to be within a 'valued landscape' as set out in Chapter 5 to this Environmental Statement. Nor does it contain geological SSSI or highest quality agricultural land. The River Leadon is part of an ecological system as set out in the emerging Green Infrastructure Plan and this feature is being enhanced. Moreover, the scheme proposes a number of ecological enhancement measures, particularly on land to the west of the bridleway.

Conserving and Enhancing the Historic Environment

- 4.4.14 The NPPF instructs LPA's to require applicants '...to describe the significance of any heritage assets affected, including any contribution made by their setting'. Chapter 6 to this Environmental Statement sets out these requirements for the various heritage assets in detail, including describing the archaeological field evaluation.
- 4.4.15 As a Grade II Listed building, the viaduct does not comprise a designated heritage asset of 'the highest significance' as defined by NPPF (these are represented by Grade I and II* Listed buildings). The site forms part of its setting.