

Wellington Heath Parish Council

29 Feb 2016

To HCC Planning Mr Fernando Barber-Martinez
Copy Liz Harvey
Copy Malvern Hills AONB Paul Esrich

Planning application 160238 Land at Ledbury Road on the border of Wellington Heath and Beggars Ash, proposed Traveller Site

Dear Sir,

Wellington Heath Parish Councillors strongly object to this planning application although we recognise that the applicants have sought to make it acceptable, but not sufficiently so. We would particularly refer to Herefordshire Core Strategy policies SS6, LD1, SD1.

Herefordshire Council's 'Strategic Housing Land Availability Assessment – Rural Report' published in 2015 identifies only one site in the settlement of Wellington Heath with potential for residential development. The application site is not identified as suitable. A site (HLA/029/001) opposite but closer to the village was submitted to the SHLAA and is assessed as Landscape Sensitivity "High", Landscape Capacity "Low" and the assessment report states "The site is divorced from the main settlement. Due to high landscape value, development of the site would be unacceptable". This is contrary to the impression created in the application by the words 'not isolated'.

There has been no development in living memory to the western side of Ledbury Road, Wellington Heath to the south of Jack's Lane. The only property within the Parish that lies to the west of Ledbury Road below the junction with Jack's Lane is Twinkelow Cottage, a black and white 17th century wayside cottage. The roadway has formed a natural boundary to development for many years. The site lies outside of the settlement boundary that was declared by Malvern Hills District Council in January 1998 when it was the local planning authority. The lack of development reflects the importance of the landscape setting to the character of the village and the Malvern Hills AONB.

The site is located at the main gateway to the village of Wellington Heath and, as such, is highly sensitive to the landscape setting and character of the area. Consideration of these issues has formed part of the analysis that supports the detailed Landscape Sensitivity and Capacity Assessment conducted by a landscape consultant to inform the emerging Neighbourhood Development Plan for Wellington Heath Parish. The results of that assessment (currently at advanced draft stage and not yet publicly available) indicate that a parcel including this site is of "high to very high" landscape value and confirms its "high" landscape sensitivity, and "Low" Landscape Capacity when judged against criteria that are widely accepted in this field of study. Hence the site is very unlikely to be included within a new development boundary. An environmental impact assessment to look at biodiversity risks would also be required for this site.

The objectives for the Wellington Heath NDP have recently been the subject of a community consultation exercise and include the following:
"Housing: To support small scale, sustainable residential development schemes, primarily on allocated sites within the Wellington Heath village settlement boundary and in conformity with the Herefordshire Core Strategy. The rural character of the village must be

maintained and it should be clearly separated from the urban environs of Ledbury." A 78% response rate, representing 92% of households was achieved and for this specific question 91% were in support, 8% objected, with 1% having no opinion. Consequently the application site is highly likely to fall within an area set aside to achieve a long term strategic gap between Wellington Heath and Ledbury where development would normally be opposed.

The issue of caravan location is plainly one of some sensitivity within the Parish, confirmed by enforcement action taken against unauthorised stationing of caravans for horticultural workers at Uplands / Withers Farm and a subsequent judicial review of a related planning decision. Herefordshire Council has therefore established the precedent that stationing of caravans in inappropriate locations within Wellington Heath will not be supported.

The application is silent with regard to the proximity of the site to the Malvern Hills Area of Outstanding Natural Beauty (AONB), the site adjoins the AONB. The National Planning Policy Framework gives special protection to AONBs. Furthermore the Herefordshire Core Strategy places particular emphasis on local distinctiveness. The annex to this letter sets out the references to AONBs and local distinctiveness from the Herefordshire Core Strategy for ease of reference.

The application wrongly states that the landscape character is that of Timbered Plateau Farmlands in the Herefordshire Council Landscape Characterisation Assessment. In fact it is categorised as Settled Farmlands on River Terrace which we have validated with a local landscape architect who noted that this error could lead to incorrect conclusions. The village of Wellington Heath has been characterised in Herefordshire Council's Landscape Character Assessment as an area of 'Forest Smallholdings and Dwellings' which is a highly individual and rare landscape in Herefordshire. Any extension of the village would need to respect this classification. The Malvern Hills AONB Management Plan and specifically the Malvern Hills AONB Guidance on Building Design (2013) provide both general guidance and specific guidance for this rare landscape type which should be followed.

Whilst we applaud the growth of a screening hedge and avoidance of fencing we doubt that this is sufficient. The field is especially visible on the downhill approach of Ledbury Road from Wellington Heath village and from the substantially higher Horse Road. Longworth House looks directly down on the site. The hedge is below the road reducing its effective height and the 5.5m entrance would afford clear views into the site most notably when approaching the village from the Ledbury direction. The hedge is extremely thin in places, and requires gapping up and effective management, probably requiring laying. Simply allowing the hedge to grow in height will reduce its screening effect lower down, the hedge would need to be substantially thickened up. The short length of newly planted hedge at the northern end does not follow the usual practise of a double staggered row (in this case substantial width would be appropriate for screening), nor are the whips protected by the usual spiral guards. Professional advice would be required to achieve the necessary level of screening using species acceptable in the local landscape. The rubbish currently in the hedge at the southern end of the site does nothing to promote the growth of the hedge and its screening ability. The site is at the main gateway to Wellington Heath village in open countryside and directly borders the Malvern Hills Area of Outstanding Natural Beauty. Any caravans and associated sheds or storage are unlikely to be fully hidden by the proposed hedgerow and tree cover, especially in Winter.

Given the visual sensitivity of the site it is not suitable for a joint residential and working use that involves the storage of materials, waste or large equipment.

This is a 'full planning application' and should include sufficient details of the proposed development to enable a decision on granting of permission to be made. The details of the proposed caravans, in particular size, colour, roof finish, total height and on site vegetation screening are not specified. Also details of the stoning, drainage and sewage treatment, and power cables and lighting are not specified. The intended business use is also undefined. These are all essential parameters, especially in this sensitive location. A less permanent development would also be more appropriate, for instance replacing concrete mounting points with screw plies.

The amenity of local residents has sometimes been affected by smoke from bonfires in this field and rubbish left there, although the field has otherwise been well cared for. We are very concerned about more intensive use of this field, especially business activities and disposal of waste including increased burning and composting.

The site is steeply sloped and significantly below road level. The character of the site would be greatly affected by groundwork required to achieve road access and a level site safe for the movement of caravans. Whilst the proposed stoned surface is preferable to other hard surface options we are concerned about the appearance and extent of the hard surface over so much of the field, especially if this is a prelude to more intensive use or future housing development.

The adjacent stream rises considerably in heavy rain although the stream is much lower than the field. Further engineering work may be required to avoid flooding, especially since in heavy rain, water currently drains onto the field from the road above. We can also recall at least one occasion when the sewage pumping station on the opposite, uphill side of the road was overwhelmed by heavy rain and overflowed.

We are not experts in the effectiveness and maintenance of the proposed sewage treatment plant, however its close proximity to the stream is concerning. Pollution of the stream from business activities is also a concern, especially if water flows over the site from the stream or the road. The Landscape Sensitivity and Capacity Assessment specifically notes the potential for built development to result in adverse effects on water quality and associated aquatic / terrestrial habitats and species.

The access proposal mentions stoning, kerbing and draining of the access point with Ledbury Road. We are strongly opposed to kerbing which is not a feature of the roads and lanes through Wellington Heath. AONB guidance and policy opposes provision of kerbing in favour of a more natural appearance. We would also be opposed to new overhead cables, the recent practise has been to move overhead power cables underground (e.g. at Hope End, Elmtree Cottages, and Church Road).

Wellington Heath has no street lighting and the 'dark skies' are a valued aspect of the location. The proposal introduces low level lighting at the site access and within the site near to the hard standings. Although directed into the site there is no mention of its likely usage nor of motion sensors, this lighting is likely to be visible and detract from the countryside setting.

Safety is a particular concern. The road is the main route into Wellington Heath and beyond from Ledbury. It is a bus route and used by forestry lorries and fast tractors (e.g. hauling potatoes to the potato store). Lorries servicing the pumping station opposite the

site partially block the road. The road is increasingly busy and likely to become substantially busier when over 600 houses are built at Ledbury viaduct. The stretch of road alongside the plot in question is in a dip with blind bends at both of the higher points, north and south. It is common to find vehicles speeding up at this point. The road is a popular pedestrian route to Ledbury, especially in Spring, Summer and Autumn with substantial groups of seasonal workers from the local fruit farms. The most recent Speed Indicator Device results we have are for 2012; positioned up hill and well within the 30mph limit near Twinklows cottage, speeds of 45-50mph were recorded every day and almost every day over 50mph was observed. If there was an accident involving a vehicle leaving the road near the proposed entrance the thin hedges and very substantial and steep drop down to the stream would be a considerable additional hazard, perhaps we should point out that crash barriers would not be welcomed and AONB guidance seeks to avoid them. With the short sight-lines from the proposed entrance a long and slow moving caravan and towing vehicle exiting the site would be completely reliant on approaching traffic slowing or stopping to avoid them.

There is no pedestrian protection on this road and near misses are already a common occurrence. As part of our work for the Neighbourhood Development Plan a report on a safe walking and cycling route to Ledbury proposes a long term and probably very gradual objective to create a new off road field footpath and cycleway including a section from Jacks Lane to Frith Drive which could be routed, in part through the proposed site. However this is most unlikely to be accomplished in the short term.

This application fell between scheduled parish council meetings, hence in addition to our usual practise of consulting some nearby residents the Parish Council hastily held a public meeting to inform our response. 47 were opposed, with 1 undecided and 1 in support.

This planning application is unusual in providing supporting references, we have no reason to doubt their good character. However the references do not necessarily imply support for the planning application.

It is accepted that the applicant and his family have used the land and are known to work in the area as well as across wider Herefordshire. However, no evidence has been produced to support the travelling community resorting to live or encamp in the Wellington Heath village area or the Parish. This application is purely opportunistic in terms of the location and the applicant family currently reside in and around Hereford.

No evidence has been supplied from the Department of Communities and Local Government twice yearly traveller caravan counts to suggest the area is one to which travellers resort. There are approved traveller sites in Bosbury and on the far side of Ledbury but not in Wellington Heath. Residents who have lived in the area for over 30 years cannot recall any appearance of traveller encampments in the Parish. The general need for a site in Wellington Heath is therefore questionable.

The applicant and his family are not at risk of homelessness as they have been accommodated in a housing association house in Holme Lacy for over 12 years. His parents occupy a pitch on a local authority managed authorised travellers site in Hereford. Whilst their personal circumstances as set out in the Supporting Statement may not be ideal, they are in secure accommodation with no requirement to move out. We understand that the land is owned by Gemma Holland who we believe is the daughter of the applicant although she is not mentioned in the planning application.

If the applicant is unable to keep a touring caravan at his present residence, commercial caravan storage facilities exist as used by many homeowners who have insufficient space for their caravans.

The name Oak Tree View is unfortunate. The name Oak Tree has a particular meaning in Wellington Heath. People familiar with the village know that the tree in the triangle at the junction of Ledbury Road and Church Road is known as "The Oak Tree" and a development nearby is called Oak Tree Close. We would wish to avoid confusion.

In summary we are strongly opposed to this application. If however it were to be approved we would wish to see, improved screening by additional roadside trees and hedge, on site screening hedges, strict controls on business use and pollution, detailed attention to design especially of the caravans and their screening and recognition of the AONB, no kerbing, more control of lighting, and perhaps contribution to a safe route to Ledbury. A condition ensuring that the development is not permanent and limited to the applicants and his father may make the application more acceptable to the local community.

C F Rozelaar
Chair of Wellington Heath parish council planning committee

Extract of sections on Distinctiveness and AONBs from Herefordshire Core Strategy

Policies are reproduced in their entirety, relevant sections are taken from paragraphs.

Para 1.28 "---- joint working via the AONB partnerships and implementation of the AONB management plans."

Para 2.24 "Large tracts of this landscape are of high quality with the Wye Valley and the Malvern Hills having national AONB designation"

Para 3.14 "**Vision for Environmental Quality in Herefordshire** 3.14 New development will be designed and constructed in ways to ensure that local distinctiveness is reinforced. ----"

Figure 3.1 "**Strategic Objectives - Environmental Quality - 10** - To achieve sustainable communities and protect the environment by delivering well-designed places, spaces and buildings, which use land efficiently, reinforce local distinctiveness and are supported by the necessary infrastructure including green infrastructure.

Para 3.95 "--- New development will provide for a range of type and size of sustainably constructed and well-designed buildings to reduce carbon dioxide emissions, contribute to climate change adaptation, enhance energy efficiency and respect local distinctiveness"

Para 3.93 "In undertaking assessment the values attached to local distinctiveness by local communities can include social and economic perceptions as well as environmental characteristics. Where produced, local guidance should inform the design process. A series of documents exist that provide planning guidance and advice on biodiversity, archaeology and landscape character. Management plans have been prepared for both Areas of Outstanding Natural Beauty within the county and conservation objectives set for sites of international and national biodiversity interest."

Policy SS6 "Environmental quality and local distinctiveness - Development proposals should conserve and enhance those environmental aspects 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 of the well being of the county's residents and its economy. Development proposals should be shaped through an integrated approach to planning the following environmental components from the outset, and based on sufficient information to determine the effect upon each where they are relevant:

- landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty;
- biodiversity and geodiversity especially Special Areas of Conservation and Sites of Special Scientific Interest;
- historic environmental and heritage assets, especially Scheduled Monuments and Listed Buildings;
- the network of green infrastructure;
- local amenity, including light pollution, air quality and tranquillity;
- agricultural and food productivity;
- physical resources, including minerals, soils, management of waste, the water environment, renewable energy and energy conservation.

The management plans and conservation objectives of the county's international and nationally important features and areas will be material to the determination of future development proposals. Furthermore assessments of local features, areas and sites,

defining local distinctiveness in other development plan documents, neighbourhood development plans and supplementary planning documents should inform decisions upon proposals."

Para 3.99 "Management Plans have been prepared for both the Wye Valley and Malvern Hills Areas of Outstanding Beauty. These documents will be relevant to assessment of the effects of development upon these important assets. The most rigorous approaches to assessing the effect of development should be taken for those areas with international and national designations, including proposals outside but having an effect upon them, in accordance with the protection afforded to such areas in the National Planning Policy Framework. Sites and Features of local importance should also receive an appropriate level of protection when determining the effects of proposals upon the environment and local distinctiveness. Subsequent policies set out the approach that should be applied in relation to these and a number of supplementary planning documents are also referred in their supporting statement which will also be relevant. Appendix 8 provides a list of those which have been identified at the time of drafting this Core Strategy"

Para 3.107 "**Key outcomes of the strategy for environmental quality** 3.107 These comprise: recognising the intrinsic character and beauty of the countryside; respecting local distinctiveness; funding new green infrastructure; and addressing the causes and impacts of climate change. These link to Core Strategy objectives 10,11 and 12."

Para 4.5.2 Relates specifically to Ledbury

Policy LB1 Relates specifically to Ledbury

Policy LB2 Relates specifically to Ledbury "----- respects the setting and significance of the listed viaduct and the Malvern Hills Area of Outstanding Natural Beauty"

Para 4.8.17 "Given the importance of the Herefordshire landscape, and particularly the Malvern Hills and the Wye Valley Areas of Outstanding Natural Beauty, new dwellings should make a positive contribution to their rural landscape by being built to a high standard, incorporating appropriate materials and landscaping."

Para 4.8.43 "The Wye valley AONB and the Malvern Hills AONB are recognised by the National Planning Policy Framework as areas where development should be restricted. Guidance on proposed developments in AONBs is set out in Paragraph 116 of the NPPF. Policy LD1 of this plan also sets out guidance on how development proposals should seek to safeguard the character and appearance of these areas."

Para 5.2.20 "The Herefordshire STEAM report shows that tourism makes an important contribution to the county's economy. Herefordshire has many historic and natural assets which are of national interest for example the Mappa Mundi and the Wye Valley Areas of Outstanding Natural Beauty. Hereford, the market towns and rural areas are popular destinations for a range of different types of visits and activities. Tourism in Herefordshire can help to strengthen the economy through diversification and new business development in both urban and rural areas."

Para 5.3 "**Environmental quality**

1. **Local distinctiveness**
2. **Sustainable design**"

Paras 5.3.2 to 5.3.5 "**Local Distinctiveness**

5.3.2 To successfully deliver the Core Strategy vision in respect of environmental quality and local distinctiveness, this section provides a proactive strategy for the conservation, restoration and enhancement of environmental assets and the delivery of new green infrastructure to support policies SS6 and SS7.

5.3.3 Locally distinctive assets both natural and man made, are finite and irreplaceable and any detrimental impacts can carry cultural, environmental, economic and social costs. A number of assets benefit from designations within national and international legislation. Statutory designations range from large areas conserved for landscape, geodiversity and biodiversity importance, such as the Wye Valley and Malvern Hills Areas of Outstanding Natural Beauty and River Wye Special Area of Conservation, to individual statutory listed buildings which are protected for their architectural or historic significance. Appendix 8 lists the designated sites in Herefordshire at the time of adoption.

5.3.4 Non-statutory designations and locally determined features are equally important to Herefordshire's local distinctiveness. Working with partner organisations, Herefordshire Council has identified important assets such as local wildlife sites, local geological sites and areas and buildings of local interest which contribute to Herefordshire's unique character. Non-statutory locally distinctive buildings and green spaces will be identified through forthcoming Development Plan Documents or Neighbourhood Development Plans.

5.3.5 Conserving local distinctiveness is central to the purposes of designations at all levels and achieved substantially through the production and implementation of management plans, conservation strategies and objectives and guidance resulting from best practise and local assessments."

Policy LD1 "Landscape and Townscape - Development proposals should -

- demonstrate that character of landscape and townscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, nationally and locally designated parks and gardens and conservation areas; through the protection of the area's character and by enabling appropriate uses, design and management;
- incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
- maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement trees lost through development and new planting to support green infrastructure."

5.3.19 "----. Development can include corridors for movement through foot and cycle paths. It provides opportunities for improving the management of and interpreting natural and heritage assets and how they contribute to local distinctiveness. Increased access to green infrastructure can promote physical and mental health well-being."

Policy SD1 "Sustainable design and energy efficiency - Development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should incorporate the following requirements :-

- ensure that proposals make efficient use of land - taking into account the local context and site characteristics,
- new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive

contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;

- safeguard residential amenity for existing and proposed residents;
- ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
- where contaminated land is present undertake appropriate remediation where it can be demonstrated that this will be effective;
- ensure that distinctive features of existing buildings and their setting are safeguarded and where appropriate, restored;
- utilise physical sustainability measures that include in particular, orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling, and enabling renewable energy and energy conservation infrastructure;
- where possible, on-site renewable energy generation should also be incorporated;
- create safe and accessible environments, that minimise opportunities for crime and anti-social behaviour by incorporating Secure By Design principles, and consider the incorporation of fire safety measures;
- ensure designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development; and
- utilise sustainable construction methods which minimise the use of non-renewable resources and maximise the use of recycled and sustainably sourced materials;

All planning applications including material changes of use, will be expected to demonstrate how the above design and energy efficiency considerations have been factored into the proposal from the outset."