

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	10 APRIL 2019
TITLE OF REPORT:	182617 - PROPOSED RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS OF WHICH 13 WILL BE AFFORDABLE HOMES, ECOLOGICAL CORRIDOR, SEPARATE PUBLIC OPEN SPACE AND PROVISION OF ACCESS ENHANCEMENTS TOGETHER WITH PARTIAL (ALMOST TOTAL) DEMOLITION OF FORMER RAILWAY BRIDGE AT LAND ADJACENT TO CAWDOR GARDENS, ROSS ON WYE, HEREFORDSHIRE, For: Mr Jones per Mrs Caroline Reeve, 6 De Salis Court, Hampton Lovett Industrial Estate, Droitwich Spa, WR9 0QE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182617&search=182617
Reason Application submitted to Committee – Redirection	

Date Received: 16 July 2018
Expiry Date: 11 March 2019

Ward: Ross West

Grid Ref: 359850,224681

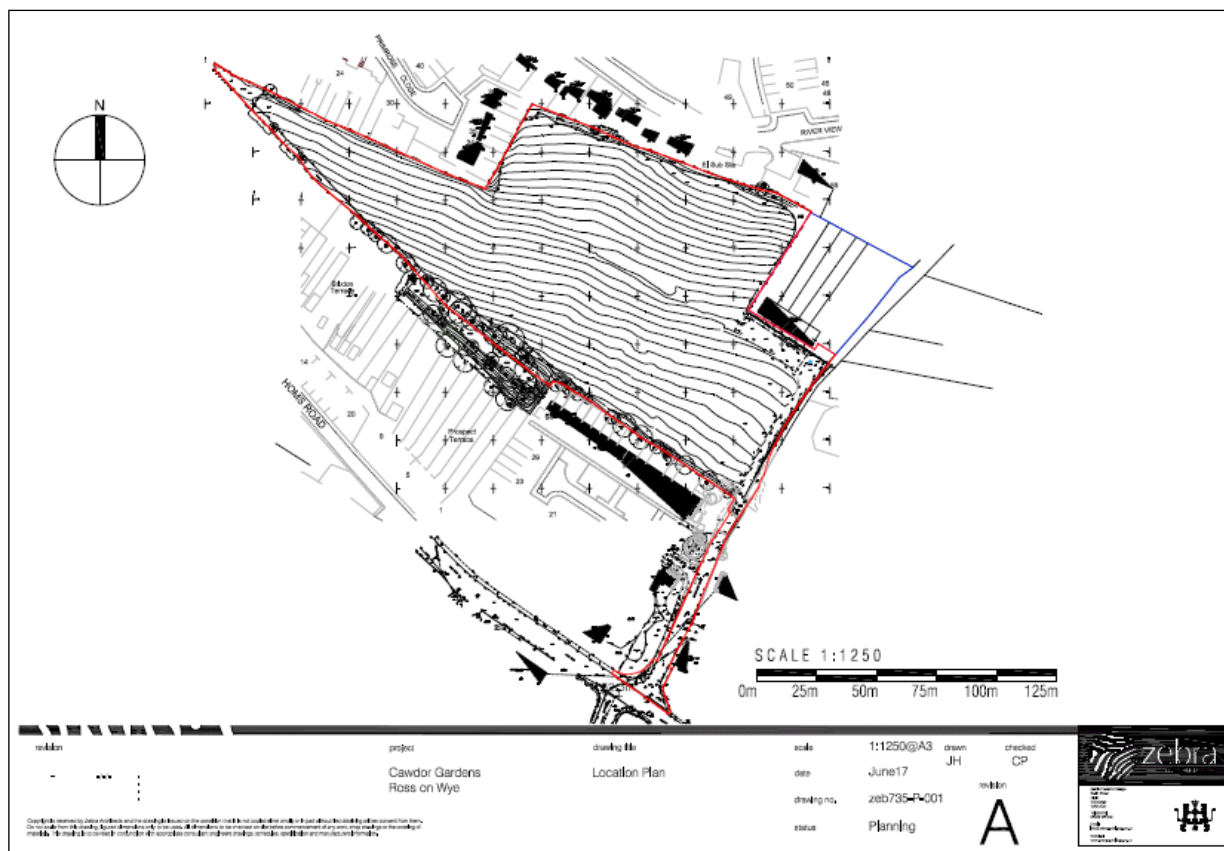
Local Member: Councillor RL Mayo

1. Site Description and Proposal

- 1.1 The application is a full application for residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements together with partial (almost total) demolition of former railway bridge.
- 1.2 Following receipt of consultation responses in response to the original proposed plans and details received on 16 July 2018, amended plans and details were received to address material and technical matters regarding highways, drainage and ecological matters and these were consulted upon. The application, in addition to detailed proposed plans, is accompanied by the following supporting evidence –
 - Noise impact assessment
 - Transport assessment
 - Stage 1 Road safety audit
 - Flood risk assessment
 - Draft Heads of Terms
 - Landscape Visual Impact Assessment
 - Reptile survey report and translocation strategy
 - Heritage statement
 - Environmental report

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- 1.3 The application site measures 1.8ha in area and is located within the main built-up area of Ross-on-Wye. Residential development adjoins on all sides of the site. The application site is located within the Wye Valley Area of Outstanding Natural Beauty and within Ross-on-Wye Conservation Area and is shown edged red on the plan below –



- 1.4 Access is currently gained directly from Cawdor Arch Road, a single-track road, which connects to Greytree Road and Homs Road. The application site gradually rises from the southern boundary by approximately 13m to the northern boundary.
- 1.5 No statutory listed buildings are adjacent or within close proximity to the application site. However, the site does contain Cawdor Arch Road Railway Bridge, considered to be a non-designated heritage asset. The application site is situated within Flood Zone 1, although a small proportion of the access road is within Flood Zone 2. A public right of way (ref: ZK5) runs along the existing single-track road adjacent to the eastern boundary and continues to the north connecting the application site to River View.
- 1.6 The proposal is a residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements together with partial almost total demolition of former railway bridge. On the basis of a site area of 1.8ha the proposal has a development density of 18dph.
- 1.7 The draft Heads of Terms can be viewed at –

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182617&search=182617

2. Policies

2.1 Herefordshire Core Strategy

SS1	–	Presumption in favour of sustainable development
SS2	–	Delivering new homes
SS3	–	Releasing land for residential development
SS4	–	Movement and transportation
SS6	–	Environmental quality and local distinctiveness
SS7	–	Addressing climate change
RW1	–	Development in Ross on Wye
H1	–	Affordable housing – thresholds and targets
H3	–	Ensuring an appropriate range and mix of housing
OS1	–	Requirement for open space, sport and recreation
OS2	–	Meeting open space, sport and recreation needs
MT1	–	Traffic management, highway safety and promoting active travel
LD1	–	Landscape and townscape
LD2	–	Biodiversity and geodiversity
LD3	–	Green infrastructure
LD4	–	Historic environment and heritage assets
SD1	–	Sustainable design and energy efficiency
SD3	–	Sustainable water management and water resources
SD4	–	Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 Neighbourhood Development Plan

The Neighbourhood Development Plan is at the Regulation 14 draft plan consultation stage. Ross-on-Wye Town Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 7 November 2018.

The Ross Neighbourhood Plan has reached draft plan stage under Regulation 14. The consultation was undertaken from 9 November to 21 December 2018.

The Draft NDP devises a settlement boundary that at present only identifies the current application site as being within the settlement boundary where NDP policy EN3 directs development. The Draft NDP proposes five allocated sites to deliver upto 87 new homes in Ross on Wye in addition to policy EN3.

The application site and this application is referenced within Section 4.11 of the Draft NDP without commentary of prejudice, however is also referenced under Policy SC3 – *Allotments*, which seeks to retain such facilities unless equivalent or improved provision is provided however at the same time notes *Those at Cawdor are soon to be closed (because of a potential development)*.

Relevant topic based draft policies include –

Policy EN1 – *Ross Design Policy* states The design of all new development within the town, while being clearly of its time, should demonstrate its relationship and applicability to its site, setting and context in terms of scale, materials, form, details, layout, public realm and historic character. This is of particular importance within the Conservation Area and Town Centre.

Policy EN7 – *Landscape Setting* states Proposed developments of any type within the Wye Valley Area of Outstanding Natural Beauty will be subject to the controls in place within the Herefordshire Local Plan and the Wye Valley AONB Management plan.

NPPF Para 48 (the replacement for para 216) indicates that The Local Planning Authority may give weight to relevant policies in emerging plans according to:

- a) The stage the preparation of the emerging plan
- b) The extent to which there are unresolved objections
- c) The degree of consistence of relevant policies in the merging plan to this framework

At this stage Herefordshire Council has not had sight of the representations received during the draft plan consultation undertaken by the town council. Therefore as the decision makers are unable to evaluate the extent of any unresolved objections

As part of the Regulation 14 consultation, the Strategic Planning team have confirmed that the plan as currently drafted is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework.

At this stage, with regards to para 48 of the NPPF, limited weight can be attributed to the neighbourhood plan.

The Neighbourhood Plan and its supporting documents can be viewed via the following link https://www.herefordshire.gov.uk/directory_record/3094/pembridge_neighbourhood_development_plan

2.3 Wye Valley AONB Management Plan

The following policies are particularly applicable to this application –

WV-D2 – Encourage and support high standards of design, materials, energy efficiency, drainage and landscaping in all developments, including Permitted Development, to ensure greater sustainability and that they complement and enhance the local landscape character and distinctiveness including scale and setting and minimise the impact on the natural environment. [see also WV-L3, WV-D4, WV-U1, WV-U3, WV-T2, WV-S4 and WV-P5]

WV-D3 – Resist inappropriate development which will create a persistent and dominant feature out of keeping with the landscape of the AONB and/or if it damages Special Qualities in the AONB, including through high levels of noise and/or light pollution or any SAC, SPA or Ramsar site or other sites designated as environmentally important. [see also WV-L3, WV-F3, WV-U1, WV-U3, WV-T2 and WV-S4]

2.4 National Planning Policy Framework – NPPF

The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people's quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

3. Planning History

- 3.1 173190 – Residential development of 32 dwellings of which 13 will be affordable homes, ecological corridor, separate public open space and provision of access enhancements – Withdrawn

4. Consultation Summary

Statutory Consultations

- 4.1 **Highways England** *offers no objection.*

- 4.2 **Natural England** comments

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European site - River Wye SAC – No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

River Wye SSSI – No objection

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

- 4.3 **Historic England** comments:

The proposed development of 32 dwellings is located in the northwest section of the Ross-on-Wye Conservation Area that was characterised by open fields at the time of designation but is now characterised by residential development of variable architectural quality. Historic features such as the line of the old railway and the more open setting of Ross on Wye's historic core have been lost. The principal contribution the area now makes to significance lies in the survival of the River Wye's low lying open flood meadows south of Homs Road.

Historic England considers the policy set out in Sections 12 and 16 of the new NPPF to be of relevance to this application. Paragraph 192 is clear that new development in conservation areas and in the historic context should make a positive contribution to local character and distinctiveness.

Historic England has no objection to the principle of residential development on this site but has in the past raised concerns regarding the design of an earlier application. In assessing the revised proposals we consider that the use of an entirely contemporary design approach is more likely to make a positive contribution to the character of the area as required by paragraph 192. It will, however, be heavily dependent on detailing and materials for its success both

practically and visually; we therefore welcome the inclusion of a colour palette of materials but would urge you to secure design quality by requiring typical construction details either in advance of determination or by condition. These should cover: rainwater drainage, weathering at the junctions between one material and another, ventilation for kitchens and bathrooms, windows, doors etc.

Recommendation

Historic England has no objection to the application on heritage grounds. Your authority should take these representations into account in determining the application.

Note – Historic England had no comments on further amended plans and details they were consulted upon.

4.4 **Welsh Water** comments:

The proposed development would overload the existing Waste Water Treatment Works. However, improvements are planned for completion by 31/03/2020. We cannot support the communication of foul drainage to the public sewerage system in advance of these works.

We have reviewed the information submitted as part of this application with particular focus on the Surface and Foul Water Drainage Strategy included as part of the Flood Risk Assessment reference 5493/001/ROIA. The plan confirms that a full assessment to dispose of surface water via sustainable means has not yet been undertaken and therefore the drainage strategy is still in its infancy. Until these further tests are concluded there is not enough evidence to justify a public sewer connection.

Notwithstanding the above, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent safeguard our security of service to customers and the protection of the environment:

Conditions

No buildings on the application site shall be brought into beneficial use earlier than 31/03/2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority".

Reason: To prevent overloading of the Waste Water Treatment Works and pollution of the environment.

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4.5 **Transportation Manager** comments:

Having reviewed the submitted e-mail (dated 24/8/18) the following comments can be agreed –

1. The removal of the walls of the bridge allows the carriageway to be widened and a full footway to be provided. Therefore there is an improvement from the original proposed alterations. As with all new highways infrastructure it will be subject to the S278 procedure and subject to technical approval for anything which affects the highways network.
2. The provision of the TRO through the S106 is agreed
3. The RSA stage 1 can be agreed with the applicant.

With the provision of the information supplied in the e-mail, if minded to approve, please condition as follows –

CAB – as shown on drawing number: - MID3986-015, CAE, CAH, CAH, CAJ, CAL, CAP, CAQ, CAR, CA2, CAT, CAX, CAZ, CAZ, CB1, CB2,
INformatives: I11, I09, I06, I45, I08, I08, I07, I05, I57, I49, I51, I47, I35

The above position was preceded by the following **comments dated 29 August 2018**: –

We need to require that the demolition works and conversion to a pair of retaining walls are controlled under the BD2-12 Approval of Highway Structures process, as these walls fall under S167 of the Highways Act. If permission is granted for the development can a Planning obligation be included that the these works are agreed in accordance with S167 Highways Act with the Highway Authority using the BD2-12 process in advance. An informative is not appropriate.

The proposal for the ‘details to be agreed onsite by a structural engineer’ as noted on the drawing are not acceptable, as this would need to be analysed in advance by a bridge/structures engineer. The details of the changes to the structure need to be agreed with the Highway Authority, to ensure that the structure does not collapse during or after the adjustments and block the highway.

We would expect to see retaining wall designs that demonstrate how the pair of walls can accommodate the loads they support and maintain the stability of the ground. We would also expect to see a method statement showing how the bridge will be safely demolished, without damaging the infrastructure that is to remain.

We’d note that we’d expect the retaining walls to remain a third party asset. We’d advise that the ownership and maintenance responsibility for the walls is clarified. If it is suggested that HC adopt these walls then we’d advise that you require them to be totally demolished and the ground levels adjusted to a safe angle of repose, thus removing the future maintenance liability.

1. Appendices haven’t been provided for the Transport statement
2. RSA stage 1 required to be done to HC agreed brief. The RSA which has been undertaken previously should be submitted
3. Pedestrians walking along the footway through the tunnel will block forward visibility through the tunnel for vehicles
4. No footway is shown on highways plan for the north western tactiles.

5. No restriction of parking has been provided. Parking is discussed in the TS, however the provision of parking will block the proposed forwards visibility for the priority give way. It will also restrict the visibility splay from the proposed crossing point. How are the development going to prevent parking around the junction of Homs Road, Cawdor Arch Road as the development will increase vehicles movements using this junction.
6. Priority give way signs are required to be illuminated as they are part of a street lighting system.
7. Driveway gradients 1:8, 1:12 vehicle crossing gradients should be shown on plan. Details should also be provided showing the gradients of the carriageway and footways.
8. Forwards visibility should be shown on the submitted through the development including where the proposed buildouts are shown.
9. Gradients of the new footway need to shown on plan (north)
10. Comments regarding the visibility splays state "This is the option shown in MID4986-SK015 rev B" however the submitted plan is Rev E, Is this different to Rev B?

Previous comments submitted for application number 173190 –

Parking south of the arch needs to be looked at as there is no TRO or highway to restrict parking. See above comments about parking

New footway provisions should not provide a lower standard of provision than what is existing.

Gradients should meet DDA compliance and the issues of security and visibility for pedestrians to see other pedestrians should be looked at. Parking also needs to be looked at to protect the junction of Cawdor Arch, Homs Road and Trenchard Street.

Footway should look to be provided adjacent to the public open space land to allow pedestrians a safe walking area from the public open space. The crossing point to the south eastern side should not be restricted by the arch.

4.6 **Public Rights of Way Manager** comments:

Public footpath ZK5 has been shown on plans (although it has been labelled ZK4). It is stated that the public right of way will not be altered in any way, although the Design and Access Statement also says, 'An area of PROW may have to be removed to allow the upgraded vehicular access route. If so, an alternative PROW access point will be provided adjacent to the proposed POS'. No work should be allowed to commence on the right of way, without PROW consent. If work close to the footpath endangers users, a temporary closure must be applied for.

4.7 **Service Manager Built and Natural Environment** comments: **(Building Conservation Officer)**

The loss of the bridge would be considered less than substantial harm to the significance of the conservation area and be weighed up against the benefits of the proposals.

We would be supportive of the wider proposals. If subsequently approved we would recommend conditions on:

- Roof Details to Scale (CG4)
- External Materials samples including a sample panel on site (CH3)
- Typical Joinery Details. (CH8)

- Landscaping scheme
- Building Recording to Level 2 for Bridge (CG1)

Comments:

To be read in conjunction with previous comments on the application.

In relation to the demolition of the bridge, Paragraph 201 of the NPPF would be appropriate in this instance: "Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole."

Given the contribution of the bridge both historically and visually to the Conservation Area as a heritage asset and its significance, we would view this as less than substantial harm (para 196). This does not down play the importance of this aspect of the Conservation Area, it is still, after all, harm. In determining the application and weighing up the benefits of the proposals, we would draw your attention to the 'special attention' required by Section 72 of the P(LB&CA) Act 1990 and para 193 of the NPPF.

Given the further loss proposed, I would recommend a recording condition if the application is subsequently approved.

Previous comments referenced above stated –

It is felt that overall the proposals would meet the requirements of policy 124 of the NPPF and that the less than substantial harm caused by the demolition of the bridge is at the lower end of the scale and should be weighed against the public benefits of the proposals.

We would recommend conditions relating to materials and detailing including:

- Roof details at 1:5
- Joinery details at 1:2 with a 1:20 schedule.
- Samples of external materials including a sample panel on site (for the duration of the works.)
- Landscaping.

The site is located within the Ross on Wye Conservation Area, section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 requires LPA's to pay special attention to preserving or enhancing the character or appearance of such an area. This affords greater weight in planning decisions when considering the impact of harm.

Policy 124 of the revised 2018 NPPF makes clear the expectations for the design of proposals requiring consent: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve." Policies 127 and 131 reinforce this further.

The proposals would require demolition over the threshold for permitted development within a Conservation Area. As such this would be considered under policy 201 of the NPPF. In turn it is considered that the harm to the character and appearance of the conservation area would be less than substantial and should be weighed against the public benefits of the proposals. The railway bridge has significance in that it provides tangible evidence of the former use of part of the site and a architectural gateway to the area. It is not felt that the railway bridge in itself has strong historic significance as it is late, is not associated with a strong linear feature and is not

of an innovative or architecturally important design. However conversely the loss of the bridge reduces the visual evidence available of the railway line, reducing the signs allowing interpretation of the history of the site. It is felt that this loss of significance is less than substantial and should be weighed against the public benefits of the scheme by the LPA.

Policy 200 of the NPPF states that the LPA should treat applications which enhance a Conservation Area favourably. It is felt that the contemporary approach encouraged by the planning case officer would be an enhancement to the Conservation Area.

4.8 Service Manager Built and Natural Environment comments:
(Archaeology)

In the circumstances, no objections to works proposed on former railway bridge.

4.9 Service Manager Built and Natural Environment comments:
(Ecology)

Planning Obligations Manager working to secure the legal aspects of the off-site reptile translocation that is required. This 25 year legal security of off-site receptor areas is required – originally HWT sites were proposed so HWT will need to be party to legal agreement.

HRA Appropriate Assessment submitted to Natural England for their formal approval. Suggested conditions within the HRA AA.

I note from an ecology perspective that the same supporting information has been supplied as for the previously withdrawn application ref 173190 (ending May 2018).

Although the ecology report from 2015 could be considered out of date and as fauna is often mobile and opportunistic the original assessment is still sufficiently relevant for the LPA to make a determination against the three tests and the comments from the previous application are in essence still valid as the majority of the detail of mitigation and compensation will actually be managed through the protected species licensing system managed and enforced by Natural England. There is no reason to believe that the relevant protected species licence will not be obtainable should planning consent be granted. Any translocation site will be subject to a relevant ownership and management legal agreement or form part of the agreed s.106 agreement – whichever is relevant.

Updated comments and suggested conditions below:

Nature Conservation Protection

Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval.. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006

I note the ecological report and Reptile Translocation Strategy. These appear to be relevant and appropriate and should be subject to relevant conditions and any required protected species licences required. The Offsite reptile receptor sites should be subject to relevant legal agreements with the landowners to secure in perpetuity ownership and suitable management to maintain reptile friendly habitats. An initial 10 year legally secured Management Plan for the

receptor site is requested for approval. I would request that the Section 106 Agreement or other legally binding document includes all relevant legal agreements and plans in order to secure the safety of translocated Reptiles.

Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by HEC August 2015 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006

Nature Conservation – Reptile Translocation and Protection

The Reptile Translocation Plan as recommended by Wessex Ecological Consultancy dated May 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. Offsite Receptor sites must be subject to appropriate legal agreements and Management Plans such as to ensure the in perpetuity security of tenure and habitat quality of the receptor site. The final legal agreement and site management plan shall be approved by this planning authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Nature Conservation – Enhancement

In addition to required ecological mitigation and soft landscaping, prior to commencement of the development, a detailed habitat enhancement scheme including extensive provisions for bat roosting, bird nesting, pollinating insect houses, hedgehog homes and reptile-amphibian refugia should be submitted to and be approved in writing by the local planning authority, and the scheme shall be hereafter implemented and maintained as approved. No external lighting should illuminate any biodiversity enhancement, or ecological habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

Required Habitat Regulations Assessment: Under Habitat Regulations 2017 this application will have to be screened and an appropriate assessment carried out to ensure that all likely significant adverse effects on the River Wye SAC can be and are mitigated/implemented. The likely adverse effects are identified as:

- Foul water
- surface water
- construction process

Foul Water: It is noted that the response from Welsh Water has indicated that connection to the mains sewer is possible but that due to current capacity an active connection will not be possible before at least 2020 as it is subject to local upgrades and capacity increase. The applicant should advise how they wish to proceed but if a determination of this application is made then either an occupation condition should be included ensuring no occupation until an

active and acceptable connection to Welsh Water's mains sewage system has been achieved; or alternative foul water proposals submitted for consideration prior to determination.

Surface Water: Proposed SuDS system should be subject to approval through our drainage consultants and providing they are satisfied the final proposal should be made subject of a relevant implementation condition.

Construction impacts: The already requested CEMP made the subject of a pre-commencement condition is likely to be considered relevant mitigation

Once details of foul water have been confirmed the final HRA Appropriate assessment can be completed and submitted to Natural England for approval. This approval must be received prior to this application being determined.

4.10 Service Manager Built and Natural Environment comments **(Arboriculture)**

I do not have any objections to the proposed plans, there doesn't appear to be an abundance of trees where the plots are proposed to be located and the landscape plan indicates that new planting will mitigate for any losses.

Having looked at the landscaping plan I do have some concern that the *Tilia cordata* 'greenspire' will eventually grow to be too broad in the spaces between plots. They have a mature spread of approx. 5m which is similar to the spaces they will occupy; this could eventually lead to constraints and their removal. I would opt for a slightly smaller species.

The green corridor, at its widest, is approximately 20m, would it be worth considering planting larger specimen trees along here? Due the high topography of the site these trees, if they reach maturity, could be features on the skyline and adding the to the townscape.

4.11 Service Manager Built and Natural Environment comments: **(Landscapes)**

I have seen the proposed planting plan dated as received 13/8/18 and I have read the tree officer's comments.

I concur with his view apart from the planting along the northern boundary there is not a great deal proposed within the site. I recall in my original pre-application comments I advised that there should be substantial planting within the site in order to break up the mass of housing. The site provides a green break within the block of housing that extends up Brampton Hill. With this lost the view from Edde Cross Street will be altered offering little relief to the built form, planting within the development will reduce these effects.

I have spoken with the ecologist and he advises me that tree planting within the ecology buffer zone should also be encouraged as it offers habitat in addition to scrubland.

Previous comments (Sept 2018):

I have seen the proposed drawings ZLA-732-L010- B which appear to offer an illustrative layout showing a landscape buffer to the north of the site and a pocket of open space to the south west. I am not convinced that it offers enhancement to the development, however the layout is such that the scope is limited. The planting detail will be required via a condition and the case officer may wish to consider how best the landscape buffer to the north can be retained and not become subject to pressure for removal in the future.

Finally I note that the proposed removal of the railway arch is part of the proposed development, whilst it may not merit listing by Historic England, it should be considered as a feature within the landscape –its value as a heritage asset I leave to the HB officer to determine.

4.12 **Environmental Health Officer (Noise and Nuisance)** comments:

In my response of 31st October I commented on the use of French windows to provide daylight and ventilation to bedrooms. The applicant has supplied amended plans which show that these windows will have lockable 'tilt and turn' fittings enabling greater ventilation to the bedrooms whilst not compromising security. Our department has no objections to these proposals.

Comments from 31st October 2018 as referenced above stated –

The applicant has supplied a noise assessment which evaluates the impact of road traffic noise. The assessment considers daytime noise at 5 locations on the site and night time noise at 1 location.

The report concludes that because the noise risk assessment has found that the road traffic noise is low risk or negligible in accordance with the ProPG guidance there is no need for an acoustic design statement in accordance with stage 2 of the guidance and that no mitigation measures are necessary.

Our department does not concur with the conclusions of the report as set out. However there is sufficient information supplied to form the opinion that the predicted slight exceedances above the desirable internal and external noise levels set out in BS8233 can be mitigated. External noise levels measures are 51 to 54 dB LAeq across the site which is above the desirable external amenity standard of 50dB LAeq. This can be mitigated by a close boarded fence around each garden.

The report concludes that internal standards can be achieved with the windows closed whereas the ProPG guidance discusses the need for the internal noise standards to be achieved in as many dwellings as possible. Predicted internal noise levels with partially open windows will be in the range of 30 to 33dB LAeq at night time (as against a desirable standard of 30dB LAeq. However this is without mitigation by way of screening of the neighbouring houses once built. There will be a minimal number of dwellings where the desirable standard cannot be obtained with the windows partially open. Therefore our department has no objections on noise grounds.

Should the proposal be granted permission to safeguard the amenity of neighbouring residential premises I recommend a condition which restricts the hours of construction and delivery to site and also a further condition which requires a Construction Environmental Management Plan to be submitted prior to commencement of works.

I have examined the layout of the closest impacted houses to see if the noise sensitive rooms can be better orientated but this does not appear possible with this scheme. I did note, however, that some of the bedrooms on the site only have french windows or double doors as ventilation which I believe would be contrary to the Housing Health and Safety rating guidance for safety and security. Far preferable would be to have a section of these doors as a separate opening windows.

4.13 **Environmental Health Officer – (Housing)** comments –

- From the plans provided all of the plots currently provide a protected route in the event of a fire. However, if the floor layout changes then consideration should be made for fire escape windows from all bedrooms, if the only internal escape route in the event of fire is through a risk room i.e. kitchen, utility, living or dining room. If there is more than a 4.5 meter drop from bedroom windows (e.g. from the third floor), then an alternative layout

should be provided so that persons can exit the property from the bedroom without the need to go through a risk room.

- If the property is in a Radon affected area, suitable mitigation measures should be put in place.
- If any of the proposed dwellings are to be HMOs then they must comply with the council's amenity standards and particular attention must be made to the minimum bedroom size of 6.5m². The amenity standards can be found on the following link https://www.herefordshire.gov.uk/download/downloads/id/2075/amenity_and_facility_standards.pdf
- There should be sufficient and secure ventilation to the outside air from all living/dining and bedrooms as well as internal bathrooms.
- There are no points in relation to this specific application.

4.14 **Land Drainage Engineer** comments as follows –

This application was previously reviewed in July 2018 and we recommended that the following information is provided prior to the Council granting planning permission for this development:

1. Consideration of exceedance flows for events up to the 30 year event and 100 year event to ensure no increased risk to downhill properties.
2. Agreement in principle with Welsh Water regarding the proposed discharge of foul water from the development.
3. Confirmation of the authority responsible for the adoption and maintenance of the surface water and foul water drainage systems.

We also highlighted that if the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval.

The Applicant submitted the following additional information in November 2018:

- Addendum to Flood Risk Assessment, ref. 5493/001/R02, November 2018;
- Location Plan;
- Surface & Foul Water Drainage Strategy, drawing ref. 100, rev P4.

Comments:

It is noted that the recently submitted proposed drainage strategy has been amended since the previous submission and surface water runoff is now proposed to be attenuated in three infiltration ponds connected via swales to promote water treatment and provide biodiversity benefits. We welcome the amended proposal. We maintain our previous comment, however, that if the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, an alternative drainage strategy must be submitted to the Council for review and approval. Best practice SUDS techniques should be considered and we promote the use of combined attenuation and infiltration features that maximise infiltration during smaller rainfall events.

It is also noted that the submitted storage calculations are based on FSR rainfall data. In accordance with The SUDS Manual, we expect the detail design of the drainage system, including attenuation storage, to be designed using FEH 2013 rainfall data.

Point 1: Consideration of exceedance flows for events up to the 30 year event and 100 year event to ensure no increased risk to downhill properties.

The submitted amended drainage strategy drawing shows the proposed flood exceedance route. The drawing shows that exceedance flows will be conveyed towards the access road (Cawdor Arch Road) and eventually towards Homs Road. The illustrated proposal is not acceptable as it will increase the risk of flooding to Homs Road and adjacent properties. We stress that exceedance flows for events up to the 1 in 100 year event with climate change should be managed within low vulnerability areas of the site boundary to ensure no increased risk of flooding elsewhere. That said, the proposed use of infiltration/attenuation basins will assist in the management of exceedance flows if the Applicant can demonstrate that overland flow will be directed towards the basins and not directly off-site. As the basins are located at the lowest elevation of the site this should be easily achievable.

The submitted Addendum to FRA states that the proposed exceedance flow route is indicative at this stage as proposed external levels have not yet been designed. The addendum also states that during detailed design, a combination of ground levels and drainage design will demonstrate that the scheme can be developed to ensure no increased risk of pluvial flooding to properties both within the site and downstream of the site. We therefore require a detailed strategy to be presented at detailed design that demonstrates how overland flows will be directed towards the basins within posing risk to the development or elsewhere – noting that careful consideration should also be given to protecting properties located immediately downhill of the proposed storage areas.

Point 2: Agreement in principle with Welsh Water regarding the proposed discharge of foul water from the development.

The Applicant submitted a letter from Welsh Water stating that the proposed development would overload the existing Waste Water Treatment Works. However, improvements are planned for completion by 31/03/2020. Welsh Water stated that they cannot support the communication of foul drainage to the public sewerage system in advance of these works. Welsh Water also stated that if the Council is minded to grant planning permission, they request that the following condition is included within any subsequent consent:

‘No buildings on the application site shall be brought into beneficial use earlier than 31/03/2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority’.

Welsh Water confirmed that after 31/03/2020 foul flows from the proposed development can be accommodated in the public foul water sewerage.

We have no further comment on this matter.

Point 3: Confirmation of the authority responsible for the adoption and maintenance of the surface water and foul water drainage systems.

The submitted Addendum to FRA states that the surface water drainage system up to headwall of the attenuation ponds is proposed to be adopted by Welsh Water. Welsh Water confirmed that they will adopt the system up to the headwall of the first attenuation pond. The Addendum to FRA also states that the attenuation ponds and the interlinking swales will be managed by a private management company. The Applicant submitted a recommended maintenance schedule for the basins and swales. This is acceptable although a more detailed maintenance plan will be required prior to construction.

It is assumed that foul water will be adopted by Welsh Water.

Overall Comment:

The information provided by the Applicant is sufficient to address our previous comments. Should the Council be minded to grant planning permission, we recommend the Applicant submits the following information requested in suitably worded planning conditions:

- Assessment of risks to safe access and egress associated with fluvial flooding (with climate change allowances) and demonstration of appropriate provision of safe access and egress;
- Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology. If the infiltration results are found to not be suitable, an alternative drainage strategy will need to be submitted to the Council;
- Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;
- Detailed drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drawings showing details of the proposed attenuation ponds and swales, including cross sections;
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- All drainage calculations, including attenuation storage calculations, should be based on the FEH 2013 rainfall data;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may exceed the capacity of the drainage system, including: temporary exceedance of inlet features such as gullies; exceedance flow routes and storage up to the 1 in 100 year event; and exceedance in the event of blockage including blockage of attenuation pond outlets;
- Operation and Maintenance Manual for all drainage features to be maintained by a third party management company;
- Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features.

4.15 Building Control Department comments:

With regards to the removal of the bridge advise: *As this is outside the site it does not fall within the requirements of the Building Regulation for access for fire services (Regulation B5).*

4.16 Open Spaces Planning Officer comments:

It is noted that this application is for a revised scheme replacing planning application 173190 which was withdrawn. The proposal largely remains the same in respect of on-site POS proposals and my comments remain mostly unaltered from those previously submitted.

Core Strategy Policies OS1 and OS2 apply. Open space requirements from all new development are to be considered on a site by site basis and in accordance with all applicable set standards as set out below. Where on-site provision is not appropriate off-site contributions may be sought where appropriate on an equally beneficial basis for the local community.

In this instance the following evidence bases apply.

- Herefordshire Open Space Study 2006 which recommends POS should be at a rate of 0.4ha per 1000 population (to note data for amenity public open space has not changed significantly and it is still considered to be accurate),
- Local Evidence: Herefordshire Play Facilities Study and Investment Plan 2012 and National Evidence: Fields in Trust Guidance: These recommend children's play at a rate of 0.8ha per 1000 population. Of this 0.25ha should be formal equipped play.
- Herefordshire Playing Pitch Assessment 2012 and Outdoor Sports Investment Plan (2016) and National Evidence: Fields in Trust Guidance: These recommends outdoors sports provision of between 1.4 and 1.6ha per 1000 population and where future investment in outdoor sport should be directed to maximise the benefits to the local community.

**please note this information will form the basis of a separate SPD on POS standards currently being prepared.*

For 32 houses at an occupancy of 2.3 (total population 73.6) the following is required:

- The developer provides a minimum of 0.870ha (870sq m) of on-site green infrastructure comprising;
- 0.029ha (290sqm) of Public Open Space (@ 0.4ha per 1000 population)
- 0.058ha (580sq m) of Children's Play (@ 0.8ha per 1000 population) of which 0.018ha (180sq m) should be formal play equipment. (@ 0.25ha per 1000 population)

A combination of both on and off site POS and outdoor sport is required from this proposal.

On-site provision

POS and Children's Play: The applicant should be clear as to how much usable POS will be provided on site in meeting the minimum requirements shown above. The proposal includes an area of informal POS situated at the entrance point along the south-east boundary of the application site which does show 180sq m of infant outdoor play described as "environment" within a larger amenity area much of which is shown to include tree/orchard planting. The size of usable POS hasn't been provided and I will assume that the play area is to be equipped, although this is not clear. The 20m ecology easement line along the south west boundary could provide informal POS but again it is not clear how much if any could be used for this purpose.

The value of on-site play provision is calculated in accordance with the SPD on Planning Obligations and for market housing only which are in this instance: 8 x 2 bed, 10 x 3 bed and 1 x 4 bed.

This equates to a play area to the value of **£26,339**. The play area should be aimed at infants and juniors only and provide a range of equipment intended for this age offering good play value. Some landscaping may be required given the topography of the area and this can be included in the costs. Detailed plans of the play area, including layout, equipment list (with suppliers and part numbers), details of safety fencing, safety surfacing information on signage, seating and litter bins, costs and a schedule of maintenance should be submitted. This play area scheme will need to be approved by the planning authority and conditioned accordingly. I suggest CA4 and CA6 on the council's standard conditions.

Future maintenance: Herefordshire Council no longer adopt open space and suitable management and maintenance arrangements will be required to support any provision of open

space and associated infrastructure within the open space in line with the Council's policies. This could be a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the Town Council or a Trust set up for the new community for example. There is a need to ensure good quality maintenance programmes are agreed and implemented and that the areas remain available for public use.

Off-site contributions

Outdoor Sports: an off-site contribution is asked for in accordance with OS1 and OS2 and based on evidence from the Playing Pitch Assessment for the Ross Area 2012 and Outdoor Sports Investment Plan which includes up to date information (2017) on existing facilities and clubs and has been prepared by a partnership of Herefordshire Council, the relevant National Governing Bodies for Sport, (NGBs) Sport England (SE) and the County Sports Partnership (CSP). This partnership makes up the Steering Group overseeing delivery of the Investment Plan. The investment plan is considered to be robust providing details of both quantity and quality projects (football, cricket, rugby and hockey) for Ross which are considered to be sustainable and deliverable and required in support of improving existing outdoors sports facilities to meet the needs of the future populations up to 2031.

Contributions are calculated as follows for market housing only:

Contribution arising from this proposal:

- £974,200: Total Outdoor Sports Investment costs (costs calculated using Sport England's Facility Kitbag)
- 900 new houses (Core Strategy Ross housing requirements)
- £1,082: Cost per market house: (Total investment costs divided by total number of houses)

For this application and 19 market houses this equates to **£20,558**

Projects for Ross include:

Football Quantity/Quality deficiencies: Identified deficiencies: senior training and junior football provision. Ross Football Club (juniors and seniors) play at Ross Sports Centre.

Proposal: Ross Sports Centre: Creation of a high quality sustainable multi sports hub for the town and surrounding area to make the best use of limited resources. Included as part of the overall package of improvements to support the delivery of additional football matches and training and to enable the consolidation of local clubs and facilities and the creation of a complete pathway from junior to senior football:

- Provision of additional dedicated junior football pitches and training facilities
- Development and alterations to the existing centre to create additional facilities and changing rooms.
- High priorities for the National Governing Body for Football and Herefordshire Football Association.

Rugby Quantity/Quality deficiencies: Identified deficiencies: Existing changing rooms and facilities at Ross Sports Ground are not adequate for future need of the Ross on Wye RUFC. Facilities are owned by the club.

Proposal: Additional Changing Rooms:

- Increase the number of changing rooms from 2 to 4 and provide a clubroom. The club is growing its membership and requires these to accommodate future growth.
- High priorities for the National Governing Body for Rugby

Both of these projects will potentially benefit the residents of the proposed development.

4.15 **Strategic Housing Manager** comments

In principle Strategic Housing support the above application. On reviewing the mix of open market and affordable housing I can confirm that 40% of the development has been provided as affordable housing. I am in agreement with the breakdown of bed sizes and the pepper potting of dwellings. The tenure breakdown would be:

<u>2 Bed</u>	<u>3 Bed</u>
3 x Social Rent	3 x Social Rent
4 x Intermediate	3 x Intermediate

The open market dwellings are also in line with the Local Housing Market Assessment. Local connection is required to Ross on Wye in the first instance.

4.17 The **Planning Obligations Manager** comments:

'A policy compliant draft heads of terms has been negotiated and agreed to secure financial contributions towards community infrastructure and the delivery of affordable housing. There is provision for the translocation of slow worms from the site to wildlife reserve sites in the ownership of Herefordshire Wildlife Trust.

The comments of Ross Town Council have been taken into account with regards to the draft heads of terms.

With regards to item 2 of their comments, I will include reference to the safer routes to school in the draft heads of terms.

With regards to item 7, this is included in response to a request from Shakespeare Martineau Solicitors who act on behalf of the Wye Valley Trust. The Wye Valley Trust run Hereford Hospital and this is where the contribution will be directed.

The doctor's surgeries are operated by the Clinical Commissioning Group who have not commented on the application.

4.18 **Education** comments –

The educational facilities provided for this development site are Ashfield Park Primary School and John Kyrle High School. Ashfield Park Primary School has a planned admission number of 60. As at the schools summer census 2018:-

- All Year groups have spare capacity- no contribution requested

John Kyrle High School has a planned admission number of 210. As at the schools summer census 2018:-

- year groups are at or over capacity- Y7=212, Y9=238, Y10=245

Approximately 1% of the population are affected by special educational needs and as such the Children's Wellbeing Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector. Although there is currently surplus capacity with the catchment primary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of the contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

Please note that the Planned Admission Number of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at John Kyrle High School that we would otherwise be able to do.

In accordance with the SPD the Children's Wellbeing Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children's Wellbeing contribution for this development would be as follows:

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	SEN	Total
2+bedroom apartment	£117	£0	£1,036	£87	£89	£1,329
2/3 bedroom house or bungalow	£244	£0	£1,949	£87	£138	£2,418
4+ bedroom house or bungalow	£360	£0	£4,002	£87	£247	£4,696

Although no contribution has been requested for the catchment Primary school for this development, please note that parental preference may dictate that children from this development may attend other schools that would ordinarily require a contribution as a result of this development taking place.

Please note this is the contribution that would be requested at this point in time based on the current information available that is pupil census data and the criteria in the SPD. It is therefore likely that this level of contribution will change (increase or decrease) for all subsequent applications made.

5. Representations

5.1 Ross on Wye Town Council commented on amended plans assessed within this report as follows –

Members re-iterate the comments previously being that they do not object to development of the site in principle but do object to the style of the proposed development considering it to be out of keeping with local building styles and materials and in a very visible location. Members object to the removal of the railway arch as no evidence has been submitted stating that it needs to be removed for fire service reasons and so it would therefore serve no useful purpose. The transport evaluation does not recommend the removal of the arch.

The referenced previous comments stated *Members do not object to development of the site in principle but do object to the style of the proposed development considering it to be out of keeping with local building styles and materials and in a very visible location. Members voted to object to the removal of the railway arch by 3:1.*

The Town Council provided further comments on the Draft Heads of Terms as follows –

The draft Heads of Terms were discussed at the recent Planning and Development Committee Meeting and members would like to make the following requests:

Item 2 – that the sustainable transport infrastructure should also include safer routes to school i.e. John Kyrle School and Brampton Abbotts School.

Item 7 – that the development of infrastructure for the provision of health services should be in Ross-on-Wye i.e. Ross Hospital and increased consulting rooms for GP's at Alton Street Surgery, as opposed to Hereford County Hospital.

- 5.2 **50 representations of objection** have been received, comments are summarised as –
- The railway bridge proposed to be demolished has history to the town and its character, the bridge is an historical structure and landmark and should be protected as part of our heritage and not demolished
 - Concerned regarding highway safety, particularly of pedestrians and increased traffic hereabouts
 - The site should be left for open space and nature and is a resource for children's play and wildlife
 - There are protected species on the site
 - The land was donated for public use, not to be sold off
 - The area has enough homes and does not have enough public open space as it is
 - Concern regarding loss of views from proposed planting
 - Loss of the arch would prevent reopening of the branch line
 - There is no need for 32 new homes
 - The removal of the arch is not necessary to enable emergency or service vehicles
 - Additional houses will put more strain on existing infrastructure and services
 - Impact and inconvenience on users of the public right of way which is used as a walking route to local Schools
 - Adverse landscape impact and one within an AONB
 - Development impractical on basis of land levels and earth works required to implement it
 - Design is not in keeping with the area and is highly prominent
 - Loss of privacy to existing homes
 - Concern regarding access to existing dwelling for maintenance
 - Concern regarding impact on existing drainage facilities and capacity
 - Reference to previous application
- 5.3 **Two letters of support** has been received, comments are summarised as –
- The Ross Charity Trustees have been endeavouring over many years to sell the unused open land to enable them to purchase properties to let at affordable rents to people in need of their own homes - of which there are many in the town.
 - The arch is of no particular architectural interest and better examples exist along this former line
 - The proposal will tidy up the site and improve appearance of the area
- 5.4 The **Ramblers' Association** comments:
- The proposed development will affect public footpath ZK5 as stated in the Design & Access Statement – 'An area of PROW may have to be removed to allow the upgraded vehicular access route. If so, an alternative PROW access point will be provided...'
- The Ramblers' Association requests that the Mike Walker, Public Rights of Way Team Leader at Balfour Beatty Herefordshire be involved in the final design of this new access point to ensure that any new access point complies with equalities legislation and allows access for all.
- If it is necessary to close the footpath during construction works a temporary closure order must be obtained from the highway authority prior to works commencing.
- 5.5 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182617&search=182617
- Internet access is available at the Council's Customer Service Centres:-
<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

Legislation

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* The development plan is the Herefordshire Core Strategy.
- 6.2 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following respectively:-
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*
- "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*
- 6.3 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. In particular relevance to the proposal is following section –
- 6.4 Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty.
- 6.5 Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONBs.
- 6.6 Section 85 places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Herefordshire Local Plan - Core Strategy

- 6.7 Policy RW1 – *Development in Ross-on-Wye* sets out objectives specific to the town and where Ross-on-Wye will accommodate a minimum of 900 new homes, balanced with approximately 10 hectares of existing allocated employment land allocation during the plan period, in accordance with the spatial strategy. A strategic housing location will focus a minimum of 200 new homes to the south east of the town. The remaining requirement for homes will be delivered on sites allocated through a Neighbourhood Development Plan. Within Ross-on-Wye, new development proposals will be encouraged where they:
- improve accessibility within Ross-on-Wye by walking, cycling and public transport, particularly where they enhance connectivity with local facilities, the town centre and existing employment areas;
 - contribute towards new or improved community facilities and/or allow for infrastructure improvements in the town to promote sustainable development;

- reflect and enhance the characteristic natural and built historic elements of Ross-on-Wye, such as its red sandstone and timber framed Tudor buildings and boundary walls, the medieval plan form, conservation area and natural setting overlooking the River Wye;
- enhance green infrastructure and biodiversity, particularly the Wye Valley Area of Outstanding Natural Beauty and the River Wye; and
- have demonstrated engagement and consultation with the community including the town/parish council.

6.8 Policy H3 – *Ensuring an appropriate range and mix of housing* states Residential developments should provide a range and mix of housing units which can contribute to the creation of balanced and inclusive communities. Also, Policy H3 indicates that the latest *Local Housing Market Assessment* will provide evidence of the need for an appropriate mix and range of housing types and sizes. Whilst it is not in dispute these are policies for the supply of housing they also have wider implications in terms of ensuring the social benefits of providing a suitable mix of housing types.

6.9 The Herefordshire Local Housing Market Assessment (HLHMA) formed part of the evidence base for the CS, although it is now some five years old. However, it is specifically cited in CS Policy H3 and without any other substantive evidence in regard to housing need in this area significant weight is attached to this. For the Ross on Wye area the HLHMA indicated that the greatest demand was for two and three bedroom housing, which was estimated as providing 49.5% and 25% of housing needs, with four bedroom or larger housing providing only 20.1% of the estimated needs.

6.10 Core Strategy policy SS6 describes 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.*

6.11 Policy SS6 then states in its list of criteria states *Development proposals should be shaped through an integrated approach and based upon sufficient information to determine the effect upon landscape, townscape and local distinctiveness, especially in Areas of Outstanding Natural Beauty.*

6.12 Core Strategy policy LD1 criteria requires new development must achieve the following:

- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including 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, through the protection of the area's character and by enabling appropriate uses, design and management

6.13 Core Strategy policy LD4 – *Historic environment and heritage assets* sets out as relevant to this appeal that Development proposals affecting heritage assets and the wider historic environment should:

1. Protect, conserve, and where possible enhance heritage assets and their settings in a manner appropriate to their significance through appropriate management, uses and sympathetic design, in particular emphasising the original form and function where possible

2. the conservation and enhancement of heritage assets and their settings through appropriate management, uses and sympathetic design. Where opportunities exist, contribute to the character and local distinctiveness of the townscape or wider environment, especially within conservation areas

Neighbourhood Development Plan

- 6.14 The Neighbourhood Development Plan is at the Regulation 14 draft plan consultation stage. Ross-on-Wye Town Council submitted their draft Neighbourhood Development Plan to Herefordshire Council on 7 November 2018. As detailed in section 2.2 above, having regard to the requirements of NPPF Para 48 officers would advise that limited weight can be attributed to the neighbourhood plan but officers have considered its contents and would note the following.
- 6.15 The Draft NDP devises a settlement boundary that at present only identifies the current application site as being within the settlement boundary where NDP policy EN3 directs development. The Draft NDP proposes five allocated sites to deliver upto 87 new homes in Ross on Wye in addition to policy EN3. The application site and this application is referenced within Section 4.11 of the Draft NDP without commentary of prejudice, however is also referenced under Policy SC3 – *Allotments*, which seeks to retain such facilities unless equivalent or improved provision is provided however at the same time notes *Those at Cawdor are soon to be closed (because of a potential development)*. Topic based draft policies of relevance to the proposal include –
- Policy EN1 – *Ross Design Policy* states The design of all new development within the town, while being clearly of its time, should demonstrate its relationship and applicability to its site, setting and context in terms of scale, materials, form, details, layout, public realm and historic character. This is of particular importance within the Conservation Area and Town Centre.
 - Policy EN7 – *Landscape Setting* states Proposed developments of any type within the Wye Valley Area of Outstanding Natural Beauty will be subject to the controls in place within the Herefordshire Local Plan and the Wye Valley AONB Management plan.

National Planning Policy Framework

- 6.16 The NPPF has ‘sustainable development’ central to planning’s remit and objectives. The NPPF also seeks positive improvements in the quality of the built, natural and historic environment and in regards people’s quality of life. The National Planning Policy Framework has been considered in the assessment of this application. The following sections are considered particularly relevant:
- 2. Achieving sustainable development
 - 5. Delivering a sufficient supply of homes
 - 11. Making effective use of land
 - 12. Achieving well-designed places
 - 15. Conserving and enhancing the natural environment
 - 16. Conserving and enhancing the historic environment
- 6.17 Paragraph 7 sets out and defines sustainable development and of the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
- 6.18 Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.19 NPPF Paragraph 124 states *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.20 Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172 and states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*
- 6.21 NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.
- 6.22 The NPPF sets out in paragraph 185 that there should be a positive strategy for the conservation of the historic environment and this should take into account of:
- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 6.23 Paragraph 189 – 192 sets out what and how LPA's should consider in determining planning applications featuring heritage assets. This includes:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.

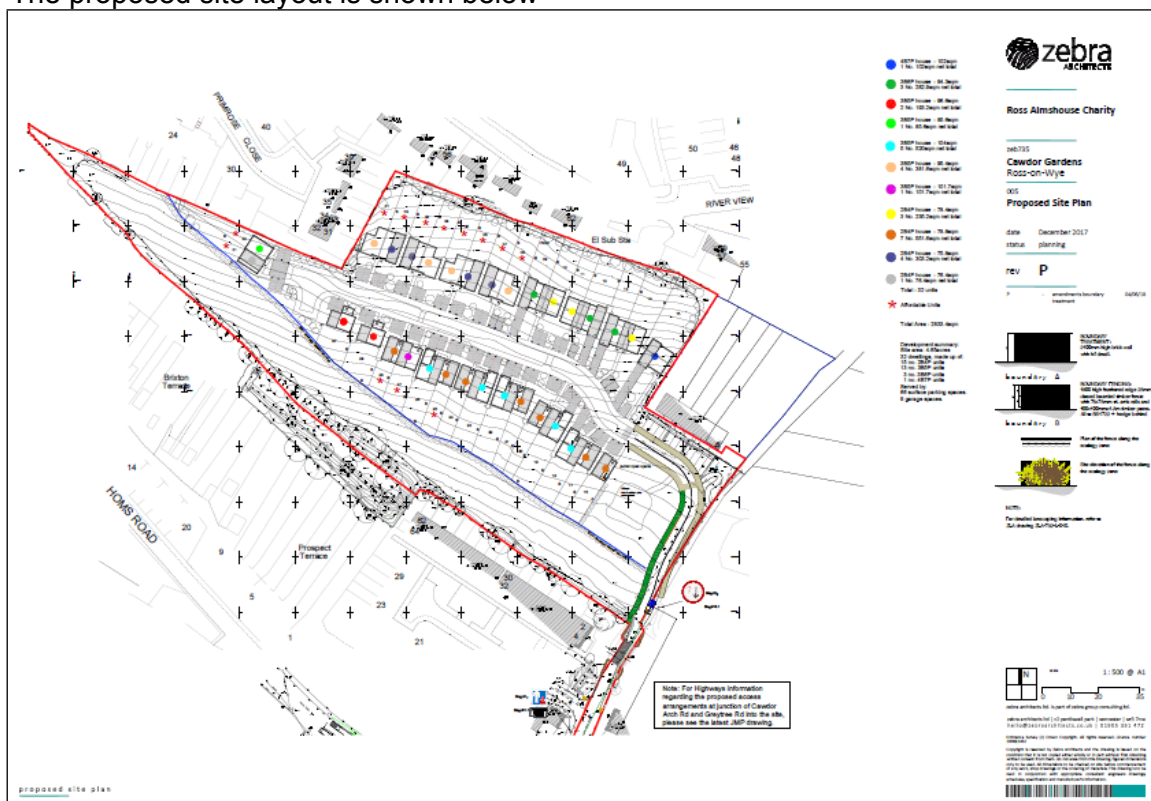
- 6.24 Paragraph 193 advises that *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 6.25 Paragraph 194 states *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*
- 6.26 Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.27 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.28 Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Assessment

- 6.29 The site is undeveloped agricultural land. It is noted the landholding is within the Wye Valley AONB which covers much of the adjoining area and is within the Ross on Wye Conservation Area which covers the west of Ross on Wye, extending as far as Wilton and includes the town centre.
- 6.30 The site is within the main built form of the town and adjoins existing residential development on all sides. The site is considered sustainably located in both locational and environmental terms and in principle, development here is acceptable.
- 6.31 The surrounding built environment has development density ranges between 52.1 – 69.5dph. the proposal is a development of 32 new dwellings, on the basis of a site area of 1.8ha this equates to a development density of 18dph, due to the application site's sensitive location and constraints, which have informed the design and scale of the proposed development. On this basis the reduction from CS policy SS2 aim to achieve between 30 - 50dph, is justified and such an allowance is afforded within the policy as it states that this *may be less in sensitive areas.*

Given the location of the site within the AONB and conservation area, the proposals development density is appropriate.

6.32 The proposed site layout is shown below



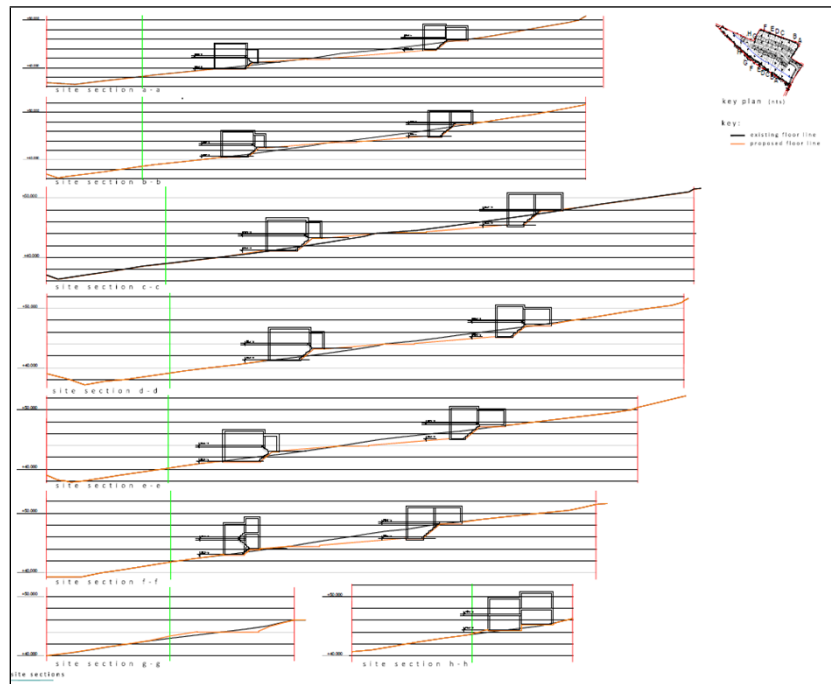
6.33 On the basis of the above the acceptability of the proposal is assessed against material and technical considerations as set out below –

Landscape

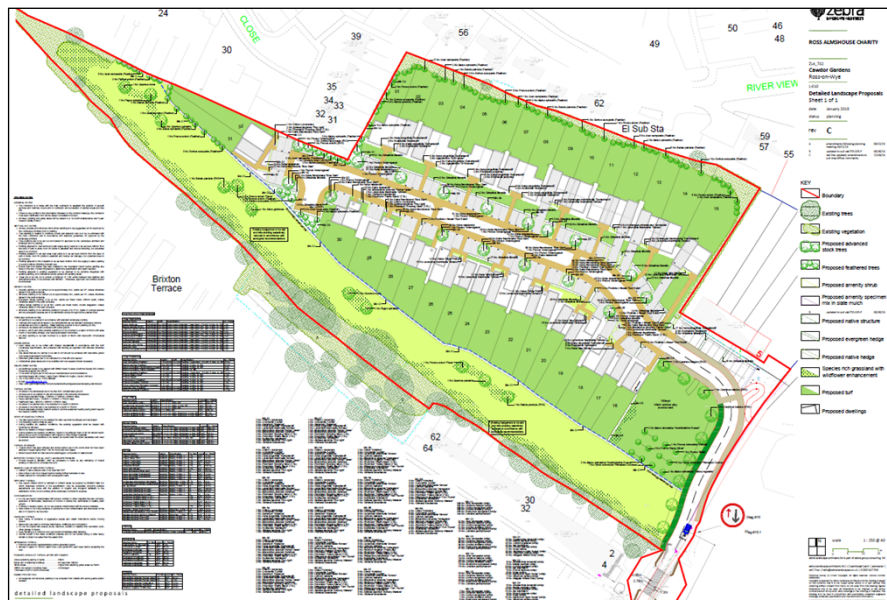
6.34 CS policies RA2 is underpinned by Policy LD1 of the Core Strategy *Landscape and townscape*. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.

6.35 Core Strategy policy SD1 (Sustainable Design and Energy Efficiency) also seeks to secure high quality design and well planned development, that contributes positively to the character of the area and that development successfully integrates into the existing built, natural and historic environment.

6.36 The proposal is of a density and form appropriate to and commensurate with the location and has worked with the topography of the site to minimise landscape impact. The application has sought to demonstrate how the site will be developed taking into account this topography is detailed on the sectional drawings submitted with the application and inserted below.



6.37 As shown on the proposed plan inserted below an area of public open space will be provided adjacent to the existing properties at Cawdor Gardens. Development has been set back from the southern boundary of the application site by approximately 20m. This will create separation of the proposal from the existing development and retains an element of the existing green break relief experienced when viewing towards Brampton Hill. Substantial planting within this area is secured by condition and will also help break up the mass of housing and reduce the massing effects as the site and area is viewed from Edde Cross Street. The recommendations of the Council's Arboriculturist, which are supported by the Conservation Manager, will be incorporated within the referenced landscaping and planting condition. The green break will also act as an ecological buffer zone and provide a wildlife corridor through the application site.

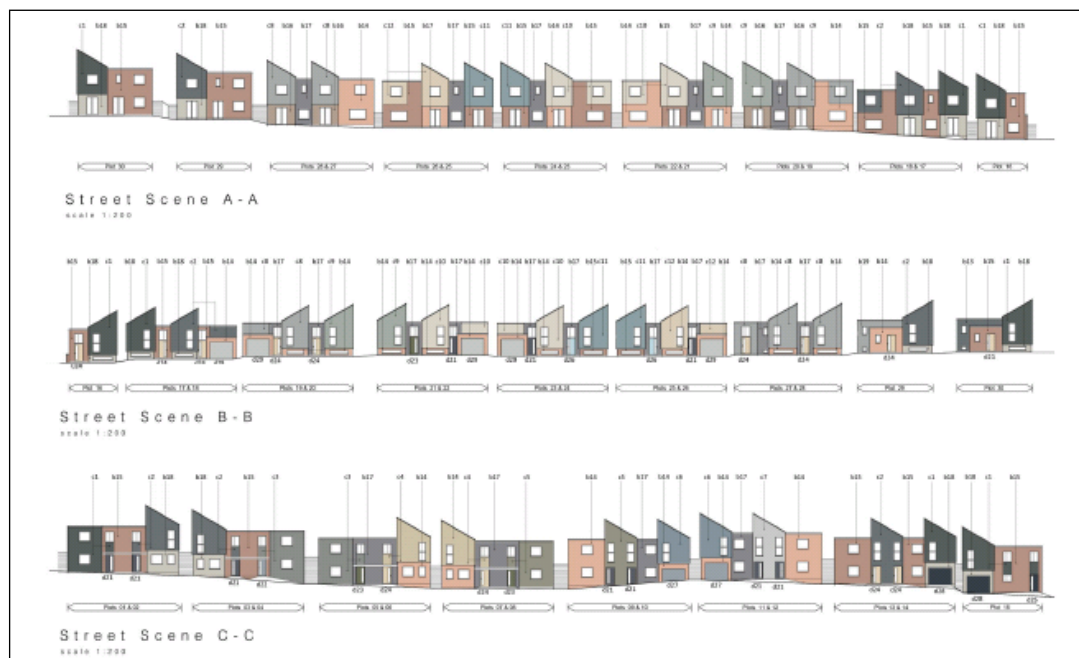


6.38 With regards to wider landscape objectives regarding built form and development within the AONB, and to ensure compliance with CS policies RW1 and LD1 and the Wye Valley AONB Management Plan, conditions requiring approval of all external materials, finishes and colours are also recommended.

- 6.39 Given all of the above and with respect to the location and context of the development within the wider development no substantial landscape harm is Identified and furthermore on this basis, no substantial harm is identified regarding the setting of the Wye Valley AONB.
- 6.40 It is also concluded that, the development of this site in the form proposed would be acceptable in landscape terms and with regards to the local landscape character and the character and accord to the requirements of policies LD1, SD1 and RW1 of the Herefordshire Local Plan – Core Strategy, Wye Valley AONB Management Plan and landscape aims and objectives of the NPPF.

Design and Amenity

- 6.41 Notwithstanding the landscape assessment, CS policy SD1 requires that 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 and safeguard residential amenity for existing and proposed residents.
- 6.42 A contemporary design has been advanced as this approach lends itself far more suitably to split level dwellings which are proposed so to work with the topography and nestle the dwellings into the hillside. Elevations within streetscenes are shown below. This design and arrangement, along with proposed external materials and finishes and colours, are intended to break up the massing of the development and helps mitigate against any adverse landscape impact given the sites elevated position and wider visibility within the landscape. The colour palette proposed has been developed and informed through a colour study of the immediate and surrounding area. Following this, optimum colours and hues have been identified to ensure an appropriate response to context which notwithstanding the contemporary design, respects the character and appearance of the AONB location and its landscape and built form character.



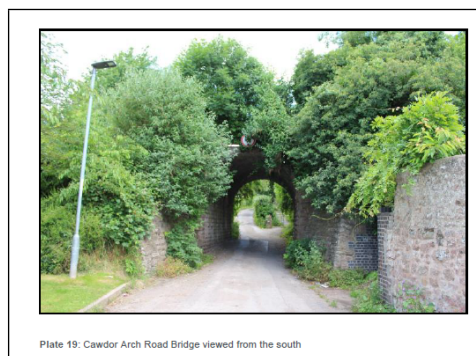
- 6.43 On the basis of the above and noting the functional requirements, officers are of the opinion that Core Strategy policies RA6, LD1 and SD1, The Wye Valley AONB Management Plan policies WV-D2 and WV-D3 and the design aims and objectives of the NPPF are satisfied.
- 6.44 Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state the following respectively:-

Further information on the subject of this report is available from Mr C Brace on 01432 261947

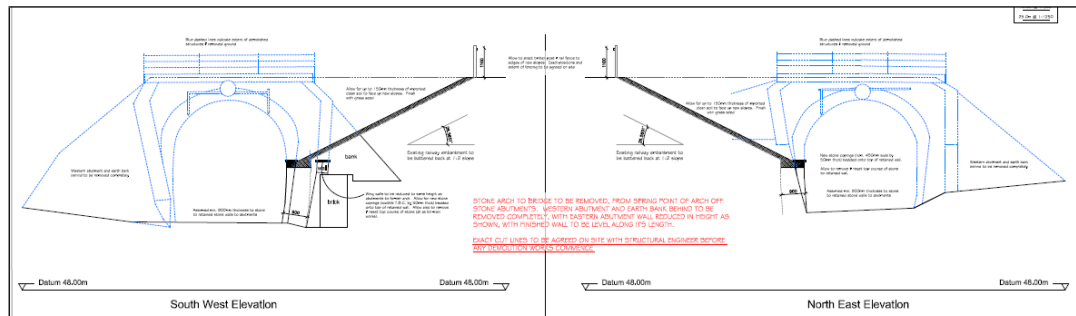
“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

- 6.45 When an authority finds that a proposed development would harm the setting of a listed building or conservation area, it must give special attention to that harm with “considerable importance and weight”. Importantly, this does not mean that an authority’s assessment of likely harm of proposed development to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. Nor does it mean that an the authority should give equal weight to harm that it considers would be limited or “less than substantial” and to harm that it considers would be “substantial”.
- 6.46 While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.
- 6.47 The application is submitted with a detailed ‘Built Heritage Statement’ that having regard to the requirements of para 128 of the NPPF assesses any heritage assets (Designated and non-designated) that may be affected by the proposals and help understand the likely impact that the proposed development will have upon the significance of the heritage assets.
- 6.48 As identified in the consultation responses above, key to this proposal is the matter of the demolition of the bridge (Cawdor Arch) and its significance as a heritage asset in its own right, its contribution to the significance of the Conservation Area and the impacts of the proposed development upon the Conservation Area. It is acknowledged that this is a non-designated heritage asset. The Built Heritage Statement provides a comprehensive assessment of the asset and a photograph of this (from the report) and the proposed plans are inserted below.



- 6.49 In order to facilitate the development, Cawdor Arch Road Railway Bridge feeding the main access road into the site will be reduced along with the accompanying rail embankment to facilitate full access for emergency vehicles. The lower reaches of the arch will be retained and capped off with the embankment graded up to the remnant former track bed.



- 6.50 The proposed reduction of the bridge along with the other heritage matters have been carefully considered by the advisors and the consultation responses from the Councils Building Conservation Manager and Historic England are at section 4 of this report.
- 6.51 Paragraphs 193 - 196 of the NPPF (2018) deal with the approach to decision-making according to the significance of the heritage asset (this being the Conservation Area) and the degree of harm arising as a consequence of development. Paragraph 193 confirms that great weight should be given to the conservation of designated heritage assets. Paragraph 195 is a restrictive policy and directs refusal where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 196 explains the approach to decision-making where less than substantial harm to the significance of a designated heritage asset would arise. It states that such harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. 196 is thus also a restrictive policy.
- 6.52 Accordingly it is necessary for the decision-maker to judge, on the evidence before them and having particular regard to expert heritage advice, whether the proposal in this case represents substantial harm to or total loss of significance of the Conservation Area (in which case paragraph 195 directs refusal unless the scheme achieves substantial public benefits that outweigh the harm) or whether the harm falls within the purview of paragraph 196; in which case it is necessary to weigh the less than substantial harm against the public benefits in an unweighted planning balance. Even if harm is less than substantial, it is absolutely clear that such harm weighs heavily in the planning balance – the fact that it is not necessary to demonstrate that harm significantly and demonstrably outweighs the benefits gives weight to paragraph 196 as a restrictive policy
- 6.53 The Councils historic advisors have considered the proposals and conclude that given the contribution of the bridge both historically and visually to the Conservation Area as a heritage asset and its significance, we would view this as less than substantial harm (para 196). Therefore such harm should be weighed against the public benefits of the proposal and this matter is considered in the conclusions below.
- 6.54 Historic England has also assessed the conservation area and explains the northwest section of the Ross on Wye Conservation Area that was characterised by open fields at the time of designation but is now characterised by residential development of variable architectural quality. Historic features such as the line of the old railway and the more open setting of Ross on Wye's historic core have been lost. The principal contribution the area now makes to significance lies in the survival of the River Wye's low lying open flood meadows south of Homs Road. Historic England raises no objection in principle to the development and whilst drawing our attention to the requirements of paragraph 192, do not identify any harm to the Conservation Area in their assessment.
- 6.55 Officers note that local representation also raise the loss of the railway arch, whilst it has evidential value, is a 'common' example of historic railway infrastructure and in itself has no substantial or significant heritage value as it is neither unique or rare it does have some local social value is noted and one can imagine it being a point of reference for local residents.

- 6.56 As such the proposals are considered to result in less than substantial harm on designated heritage assets, with the loss of the undesignated railway bridge acceptable based on an assessment of the assets value and importance weighed against and considering the wider benefits of the proposal. It is concluded the proposal accord with policies SS6 and LD4 of the Herefordshire Core Strategy, heritage aims and objectives of the NPPF and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

- 6.57 The comments of the Council's Ecologist and Natural England are noted and matters highlighted including mitigation and enhancement, are secured by condition.
- 6.58 The Heads of Terms makes provision for the translocation of protected slow worms and commuted sums to be paid to support maintenance thereafter. Herefordshire Wildlife Trust propose four nature reserves as suitable receptor sites for a slow worm translocation associated with the development at Cawdor Gardens. The four reserves are in close enough proximity to allow easy movement of slow worms between the sites. Collectively they represent an almost contiguous mosaic of habitats that include species rich grassland, scrub, and woodland habitats (coppice, glades, rides and high canopy).
- 6.59 The applicants ecologists propose that a minimum of 3.5 acres of good quality habitat is required and managed to ensure that the habitats remain suitable for slow worms. Currently the total area across the four reserves is 50.7 acres, approximately 25% of which (12.7 acres) could be considered good quality habitat for slow worms. Slow worms prefer the more open habitats which are always threatened by succession. If not physically kept clear a lack of management will quickly result in open habitats reverting to woodland.
- 6.60 There is a requirement within the Head of Terms that Herefordshire Wildlife Trust ensure that *"the receptor site and its habitat will be managed in perpetuity to ensure that it remains suitable for slow worms"*. To support HWT in this endeavour the Trust requests a commutable sum of £8,380 to finance this work in the first 3 years following translocation.
- 6.61 As such the proposal is in line with CS policies LD2 and LD3 and wider NPPF policies.

Highways

- 6.62 The Transportation Manager offers no objection on highway grounds to the proposals following amended plans. It is also noted The removal of the walls of the bridge allows the carriageway to be widened and a full footway to be provided. This represents an improvement to non vehicular traffic movements and will further encourage walking to and from the site and surrounding area to service and facilities making such an option more desirable and convenient in line with the criteria, aims and objectives of policies RW1 and MT1. As such regarding highway safety and related technical matters the proposal accords with CS policies SS4 and MT1, Herefordshire Council's Highways Design Guide and the NPPF.

Drainage

- 6.63 The comments of the Drainage Engineer are noted and the information provided by the Applicant is sufficient to address the Engineers' previous comments. Whilst some matters remain outstanding, it is understood these can be addressed through a detailed strategy to be presented at detailed design that demonstrates amongst other matters, how overland flows will be directed towards the basins without posing risk to the development or elsewhere, in particular protecting properties located immediately downhill of the proposed storage areas. On the basis of this and proposed conditions from the Drainage Engineer, the proposal accords

with policies Core Strategy policies SD3 and SD4. Conditions ensure surface water will be disposed off without adverse impact upon adjoining land uses.

Section 106 Agreement / Planning Obligations and Conditions

6.64 The Heads of Terms has been assessed against the adopted Supplementary Planning Document on Planning Obligations dated 1 April 2008, and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended). Planning contributions as shown below will be secured from the development. These figures will be indexed linked when due –

- the sum of **£48,200.00** to provide **education infrastructure** at John Kyrle High School which may include remodelling or extension of the school. The sum shall be paid prior to first occupation of an open market unit, and may be pooled with other contributions if appropriate.
- the sum of **£43,000.00** to provide sustainable transport infrastructure to serve the development. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate. The monies shall be used for a Traffic Regulation Order at the junction of Homs Road and Cawdor Arch Road to prevent on street parking within the visibility splay and to restrict parking along Cawdor Arch Road itself so that the width of the carriageway is not reduced.
- the sum of **£2,560.00** to provide 1 x waste and 1 x recycling bin for each dwelling. The sum shall be paid prior to first occupation of an open market unit.
- provide a minimum of 0.870ha (870sqm) of on-site green infrastructure comprising;
 - Public Open Space: 0.029ha (290sqm) @ 0.4ha per 1000 population
 - Children's play: 0.058ha (580sqm) @ 0.8ha per 1000 population of which 0.018ha (180sqm) shall be formal children's play
 - NOTE: The value of the children's formal play area should be a minimum of **£26,339.00**.
- The maintenance of any on-site Public Open Space (POS) will be by a management company which is demonstrably adequately self-funded or will be funded through an acceptable on-going arrangement; or through local arrangements such as the parish council and/or a Trust set up for the new community for example.
- the sum of **£20,558.00** to be used in accordance with the Sports Investment Plan to provide a clubroom and changing facilities at Ross on Wye RFU and dedicated junior football pitches and changing rooms at Ross Sports Centre for Ross on Wye football club. The sum shall be paid prior to first occupation of an open market unit, and may be pooled with other contributions if appropriate.
- a sum of **£8,380** to finance the slow worm translocation work by Herefordshire Nature Trust in the first 3 years following translocation.
- the sum of **£16,964.79** for the development of infrastructure for the provision of health services at Hereford County Hospital. The sum shall be paid on or before the commencement of the development, and may be pooled with other contributions if appropriate.
- 13 of the residential units shall be "Affordable Housing" which meets the criteria set out in policy H1 of the Herefordshire Core Strategy and the tenure of the affordable housing will comprise;
 - 3x2 bed social rent
 - 3x3 bed social rent
 - 4x2 bed intermediate
 - 3x2 bed intermediate

6.65 The Affordable Housing Units will be advertised through Home Point and allocated in accordance with the Herefordshire Allocation Policy for occupation as a sole residence to a person or persons one of whom has:-

- a local connection with the parish of Ross on Wye

- in the event of there being no person with a local connection to Ross on Wye any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies of the Registered Social Landlord if the Registered Social Landlord can demonstrate to the Council that after 28 working days of any of the Affordable Housing Units becoming available for letting the Registered Social Landlord having made all reasonable efforts through the use of Home Point have found no suitable candidate

6.66 On the basis of the above and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms has been agreed.

Housing Mix

6.67 The 32 dwellings are made up of:

- 15 no. 2 bed units, 7 of which are affordable units
- 16 no. 3 bed units, 6 of which are affordable units
- 1 no. 4 bed units

6.68 On this basis The proposal will deliver an adequate suitable mix and numbers of housing and deliver much needed affordable housing compliant with Herefordshire Core Strategy policies SS2, SS3, H1 and H3 and as such represents development that meets with regards to housing, the social objectives of the NPPF.

Other Matters

6.69 With regards to matters addressed by representations received not addressed above, the following comments are offered –

The site should be left for open space and nature and is a resource for children's play and wildlife

- The site offers up a significant wildlife corridor and planting which will provide and retain ecological and biodiversity values. The site is not subject to any formal designation regarding use, however as detailed, formal open recreation and play space will be provided within the development and significant committed sums are secured which will go towards provision and enhancement of local sports and recreation facilities.

The land was donated for public use, not to be sold off

- This is a private and or civil matter

Loss of the arch would prevent reopening of the branch line

- The reopening of the relevant branch line is not something under consideration as far as any current or emerging plans show and is not safeguarded by planning policies or legislation. In any event and as noted within the Conservation comments, development post *The Reshaping of British Railways*, published 27 March 1963, commonly referred to as the *Beeching Report*, means in many places the line will have been built over or otherwise obstructed and not capable of exact reinstatement. Any future railway infrastructure serving Ross on Wye would need to be designed and facilitated to accommodate the town and its development at the moment such a proposal comes forward.

Development impractical on basis of land levels and earth works required to implement it

- This will be a matter for any developer to assess and address, however with regards to planning policies, material considerations and technical assessments applicable to the determination of the application, the proposal is acceptable.

Loss of privacy to existing homes

- With regards to the proposal and its articulation and relationship with its environment, no substantial or significant harm is identified on amenity or privacy of existing dwellings.

Concern regarding access to existing dwelling for maintenance

- This is a private and or civil matter and any rights will be protected by parallel legislation separate from Planning.

Summary and planning balance

- 6.70 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the conflicts with the development plan alongside the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

Turning to the three objectives of sustainable development;

Economic Objective

- 6.71 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.
- 6.72 In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:
- employment and supply of associated materials, goods and services in the construction phase
 - support to local services and facilities arising from the new resident population
 - economic benefits to the Council through the payment of New Homes Bonus.
- 6.73 The positive economic benefits arising from the scheme are, however, not unique to this application proposal and as such I attach moderate weight to these benefits – Can we add more to 32 dwellings?

Social Objective

- 6.74 Planning's social role incorporates providing support to strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.
- 6.75 The proposal delivers a mix and range of housing, including affordable housing, which helps meets local demand now and for the future along with significant Section 106 contributions which will amongst other things, contribute to sustainable transport, health and sports and recreation facilities.
- 6.76 As such the *social* objective is considered to be satisfied and I attribute weight to the benefits in community terms, particularly to establishing sustainable communities and a sense of place the development will secure.

Environmental objective

- 6.77 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).
- 6.78 The proposal will enable more sustainable patterns of activity through providing new housing located where the town centre and other services and facilities are accessible by foot or bicycle from the new houses. As described above, the character and appearance of the AONB maintained and matters regarding biodiversity and ecology, flood risk and drainage are addressed.
- 6.79 As detailed above, it is agreed that the proposals will result in a less than substantial harm to the significance of the designated heritage asset will accrue and that the correct approach to decision-making is to weigh this harm against the public benefits arising from the scheme in an unweighted balancing exercise. It is not necessary for the harm to significance to demonstrably and significantly outweigh benefits for refusal to ensue.
- 6.80 Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above, outweigh the less than substantial harm to the significance of the Conservation Area and loss of the undesignated heritage asset, Cawdor Railway Arch. There is no harm arising in relation to other technical matters as discussed above, and officers do not feel that the impacts of the development should tip the planning balance in favour of refusal.

Conclusions and planning balance.

- 6.81 In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise
- 6.82 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise.
- 6.83 The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

For decision Making

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.84 As detailed above there is clear conformity with the housing and sustainable development policies of the development plan. These policies are consistent with the guidance contained within the NPPF (2019).

- 6.85 The potential benefits that could be delivered by the scheme have also been considered above to which officers consider significant weight can be attributed.

RECOMMENDATION

That subject to either the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement prior to the commencement of development, officers named in the Scheme of Delegation to Officers are authorised to grant planning permission, subject to the conditions below and any other further conditions or amendments to conditions considered necessary by officers named in the scheme of delegation to officers.

- 1. Time limit for commencement (full permission)**
- 2. Development in accordance with approved plans and materials**
- 3. Before any work begins, equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) shall be supplied to the planning authority for written approval.. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have been finally removed.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006

- 4. The Reptile Translocation Plan as recommended by Wessex Ecological Consultancy dated May 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority. Offsite Receptor sites must be subject to appropriate legal agreements and Management Plans such as to ensure the in perpetuity security of tenure and habitat quality of the receptor site. The final legal agreement and site management plan shall be approved by this planning authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

- 5. The following information and details shall be supplied to the Local Planning Authority for written approval prior to the commencement of development of the development hereby permitted including any groundworks or site clearance –**
 - Assessment of risks to safe access and egress associated with fluvial flooding (with climate change allowances) and demonstration of appropriate provision of safe access and egress;**
 - Results of infiltration testing at the location(s) and proposed depth(s) of any proposed infiltration structure(s), undertaken in accordance with BRE Digest 365 methodology. If the infiltration results are found to not be suitable, an alternative drainage strategy will need to be submitted to the Council;**
 - Confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels;**

Further information on the subject of this report is available from Mr C Brace on 01432 261947

- Detailed drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drawings showing details of the proposed attenuation ponds and swales, including cross sections;
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing;
- All drainage calculations, including attenuation storage calculations, should be based on the FEH 2013 rainfall data;
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event;
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event;
- Calculations that demonstrates there will be no increased risk of flooding as a result of development up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Details of how natural overland flow paths and overland flows from outside of the site boundary have influenced the development layout and design of the drainage system;
- Detailed drawing demonstrating the management of surface water runoff during events that may exceed the capacity of the drainage system, including: temporary exceedance of inlet features such as gullies; exceedance flow routes and storage up to the 1 in 100 year event; and exceedance in the event of blockage including blockage of attenuation pond outlets;
- Operation and Maintenance Manual for all drainage features to be maintained by a third party management company;
- Detailed drawings of the foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features.

The development shall be carried out in accordance with the approved details and all drainage works shall be installed and ready and available for use prior to the first occupation of the development hereby permitted and thereafter be maintained as such.

Reason: to ensure adequate drainage provision is made, to avoid adverse impact upon adjoining land, buildings and uses and in the interests of public health and safety and to comply with Herefordshire Core Strategy policies RW1, SD3 and SD4.

6. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

7. CAT – Wheel washing

8. In addition to required ecological mitigation and soft landscaping, prior to commencement of the development, a detailed habitat enhancement scheme including extensive provisions for bat roosting, bird nesting, pollinating insect houses, hedgehog homes and reptile-amphibian refugia should be submitted to and be approved in writing by the local planning authority, and the scheme shall be hereafter implemented and maintained as approved. No external lighting should illuminate any biodiversity enhancement, or ecological habitat.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006

9. C96 – Landscaping
10. CA6 – Details of play equipment
11. CAB – Visibility
12. CAE – Access construction
13. CAP – Junction improvements and off site works
14. C97 – Landscape scheme implementation
15. CA1 – Landscape Management Plan
16. CA5 – Provision of play equipment
17. CAH – Driveway gradient
18. CAJ – Parking estate development
19. CAL – Access, parking and turning
20. CAR – On site road phasing
21. CB2 – Secure covered cycle parking provision
22. The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by HEC August 2015 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.
- Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 2017 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy, National Planning Policy Framework 2018 and NERC Act 2006
23. No buildings on the application site shall be brought into beneficial use earlier than 31/03/2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain, has been completed and written confirmation of this has been issued by the Local Planning Authority".

Reason: To prevent overloading of the Waste Water Treatment Works and pollution of the environment.

- 24. Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.**

Reason: In order to protect the character and amenity of the Wye Valley AONB and wider locality, maintain and enhance the character and appearance f the conservation area, to maintain the amenities of adjoining property and to comply with Policy SS1, RW1, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, Wye Valley AONB Management Plan and the National Planning Policy Framework.

- 25. CA3 – Landscape Monitoring**
- 26. CAQ – On site roads - submission of details**
- 27. CAX – Direction of proposed lighting**
- 28. CB1 – Public rights of way**
- 29. CBK – Restriction of hours during construction**

INFORMATIVES:

- 1. Pro active Reason 2**
- 2. I11 – Mud on highway**
- 3. I09 – Private apparatus within highway**
- 4. I06 – Public rights of way affected**
- 5. I45 – Works within the highway**
- 6. I08 – Section 278 Agreement**
- 7. I07 – Section 38 Agreement & Drainage details**
- 8. I05 – No drainage to discharge to highway**
- 9. I57 – Sky glow**
- 10. I49 – Design of street lighting for Section 278**
- 11. I51 – Works adjoining highway**
- 12. I47 – Drainage other than via highway system**
- 13. I35 – Highways Design Guide and Specification**
- 14. I62 – Adjoining Property Rights**

- 15. I18 – Rights of way
- 16. NC11 – Wildlife Informative

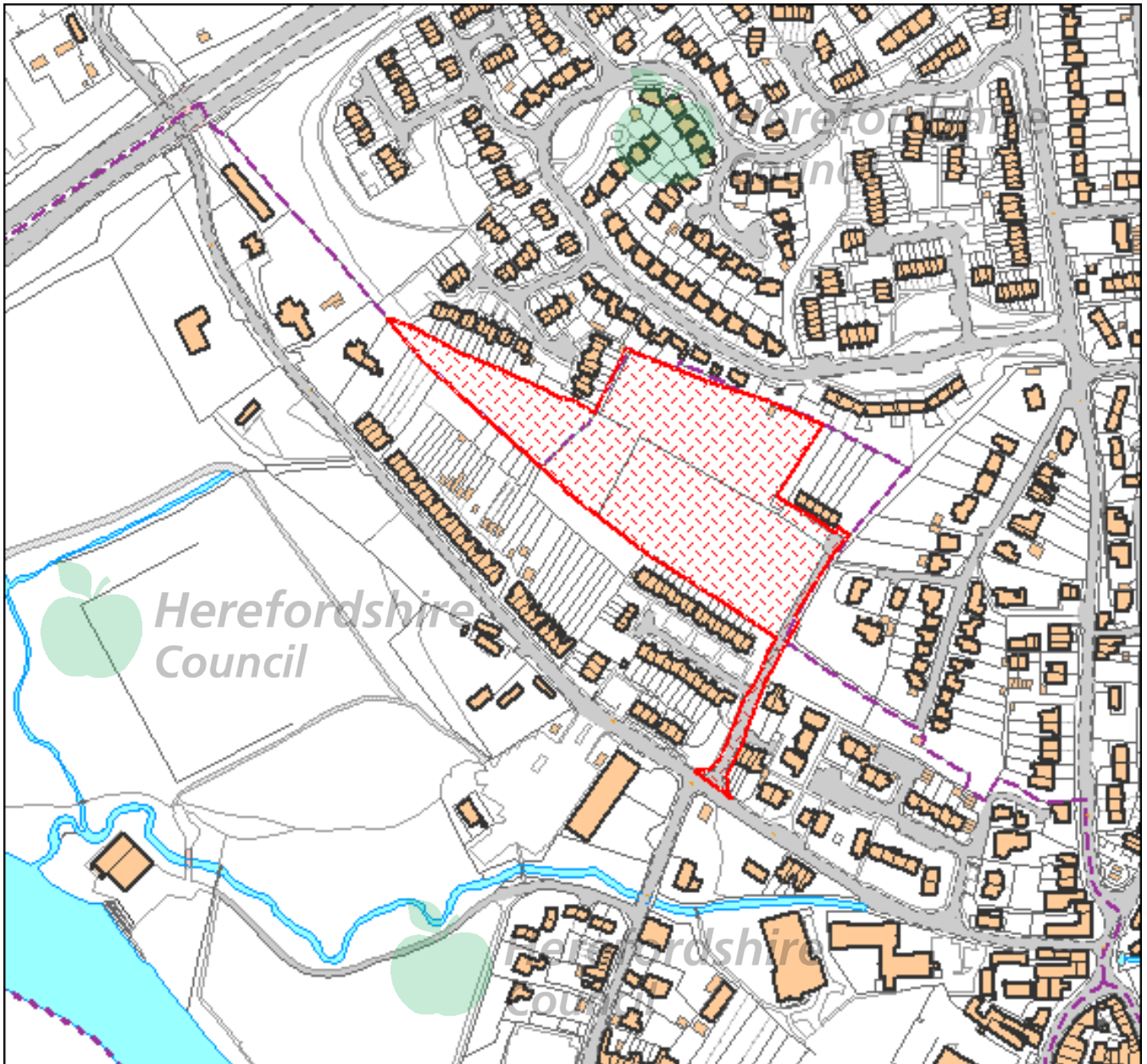
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182617

SITE ADDRESS : LAND ADJACENT TO CAWDOR GARDENS, ROSS ON WYE, HEREFORDSHIRE

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