

DELEGATED DECISION REPORT

APPLICATION NUMBER

191464

Rear of Albion Chambers, Gloucester Road, Ross-on-Wye, Herefordshire,

CASE OFFICER: Miss Emily Reed

DATE OF SITE VISIT: 16/05/2019

Relevant Development Plan Policies: **Herefordshire Local Plan – Core Strategy**
Policies: RW1, MT1, LD1, LD2, LD3, LD4, SD1, SD3, SD4

Ross-on-Wye Neighbourhood Development Plan

EN1: Ross Design Policy
EN3: Settlement Boundary
EN4: Infill and Backland Development
EN6: Solar-Photovoltaic Energy
EN7: Key Views
EN8: Green Infrastructure
H4: Town Centre Housing
E3: Town Centre Uses
A1: Active Travel
A2: Walking and Cycling
A3: Changes to Car Parks

NPPF

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision making
Chapter 5 - Delivering a sufficient supply of homes
Chapter 6 - Building a strong, competitive economy
Chapter 7 - Ensuring the vitality of town centres
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

Relevant Site History: **151958/F** – Proposed construction of five one bedroom apartments. Refused

142053/F – Proposed construction of five one bedroom apartments. Withdrawn

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Town Council	X				X
Transportation	X			X	
Historic Buildings Officer	X				X
Ecologist	X		X		
Environmental Health (noise/smell)	X			X	
Waste Officer	X		X		
Natural England	X		X		
Welsh Water	X		X		
Historic England	X		X		
AONB Officer	X	X			
Land Drainage	X			X	
Environment Agency	X		X		
Building Control	X	X			
Press/ Site Notice	X				7
Local Member	X				

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application site comprises of a parking/yard area to the back of the buildings facing onto Gloucester Road in the centre of Ross-on-Wye. The lies within the Ross-on-Wye Conservation Area and Wye Valley Area of Outstanding Natural Beauty. There are also a number of listed buildings in the vicinity.

The application seeks planning permission for the erection of a detached, two storey building accommodating 5 x one bedroom flats.

This application follows a previously refused application considered under ref: 151958. The application was refused the following two reasons:

- 1. The proposal through its lack of adequate noise assessment results in the potential for the occupiers of the development to have unacceptable and unsatisfactory levels of amenity contrary to Herefordshire Unitary Development Plan policies S1, S2, DR1, DR13 and H13 and the relevant aims and objectives of the National Planning Policy Framework.*
- 2. The proposal, in the absence of a suitable legal agreement, will create a pressure and demand for on road vehicular parking. Proposed secure cycle provision is unsatisfactory and likely to deter such usage. Furthermore mitigation and integration of pedestrian and vehicular users in and around the site is unsatisfactory resulting in an acceptable risk to highway and pedestrian safety and the free flow of traffic*

hereabouts. As such the proposal is contrary to Herefordshire Unitary Development Plan policies S1, S2, S6, DR1, DR2, DRS and T8 and the relevant aims and objectives of the National Planning Policy Framework.

Representations:

A total of **7 representations** have been received to the proposal. The comments therein are summarised below:

- *Impacts on shops during construction with regard to deliveries*
- *Impacts on existing service arrangements*
- *Plans do not allow for resident parking. Insufficient parking as it is. The zoning of parking permits is not fit for purpose*
- *Adding to the volume of vehicular traffic would be detrimental to existing businesses*
- *Drains are already under strain and extra pressure on the system would cause more problems*
- *Other properties on Gloucester Road will apply for planning as precedent will have been set*
- *Issues of right of ways*
- *Impact on nearby listed buildings*
- *Agent of change principle and underestimation of JD Wetherspools peak trading scenario*

Ross Town Council object to the application as follows:

Members object to the application for the reasons of refusal of planning application no. 151958. Although a noise assessment has taken place, there is a continued concern about unacceptable internal noise levels. Likewise, the problem of the creation of demand for on-road vehicular parking still remains.

Welsh Water comment:

The proposed development would eventually drain to our Lower Cleeve Waste Water Treatment Works which does not currently have the capacity to accommodate the development. We do however have works planned to address this situation in our current capital investment programme. These works are due for completion by 31st March 2020.

Please note that the application site is crossed by a public sewer. It appears from looking at the provided plans the applicant will be unable to facilitate the working safety easements onsite. Therefore the public sewer may require a separate permission for a Diversion Agreement under S185 of the Water Industry Act 1991. This agreement is standalone from the Planning Permission, and may be unviable regardless of planning permission. We suggest the applicant investigates this matter prior to proceeding. Without a suitable diversion we would have no option but to object.

Finally, we note that the intention is to drain both foul and surface water to the public sewer, we have no objection to a foul water connection, however in the absence of a strategy to

assess sustainable alternative options for the disposal of surface water we cannot support the drainage proposal in full.

Conditions

No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of Lower Cleeve Waste Water Treatment Works, into which the development shall drain has been completed and written confirmation of this has been received by the Local Planning Authority

Reason: To prevent further hydraulic overloading of the treatment works, to protect the health and safety of existing residents and ensure no pollution of or detriment to 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.

Advisory Notes

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

The applicant may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Natural England comment no objection.

Historic England comment:

Thank you for your letter of 9 May 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

The Environment Agency comments:

Pollution Prevention: Published geological maps indicate the site is underlain by the Brownstone Formation, comprised of micaceous sandstone, which is classed as a Secondary A Aquifer. Secondary A aquifers are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers. No drift coverage is shown to be present at this location.

The site is located within Source Protection Zone 1 (inner protection zone) for a public supply borehole. Please refer to The Environment Agency's Groundwater Protection Position Statements for further guidance, particularly with regard to SPZ1. <https://www.gov.uk/government/publications/groundwater-protection-position-statements>

The discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. Soakaways should only be used in areas on site where they would not present a risk to groundwater.

Developers should incorporate pollution prevention measures to protect ground and surface water.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

The Council's Highways Officer comments:

Thank you for consulting the local highway authority on the above enquiry. I have now had the opportunity to review the information provided. Please see below my comments and recommendation.

- The proposed development of 5 x 1-bed apartments would not result in a notable impact on the operation of the local highway network.*
- However, there are concerns over the parking arrangements for the proposed development. No car parking spaces are proposed meaning parking could be displaced onto the adjoining streets, such as Old Gloucester Road which already has limited on-street parking provision.*
- It is noted that the site is in a central location with good bus connectivity.*

- *Secure cycle parking is to be provided at ground level for a total of 6 bicycles, this is in keeping with the standards set out in the Herefordshire Design Guide.*
- *The applicant needs to provide details on the waste collection and drainage strategies. The applicant should ensure that no water discharges on to the highway.*
- *It is suggested that the applicant provide a Travel Plan in order to demonstrate that the development can genuinely be car-free.*

Recommendation

Further information is requested in the form of a Travel Plan.

The **Council's Historic Buildings Officer objects** to the application as follows:

Recommendation:

Refusal of this application is recommended as the submitted scheme would cause harm to aspects of setting which contribute positively to the significance of the adjacent heritage assets, and the character of the wider Conservation Area.

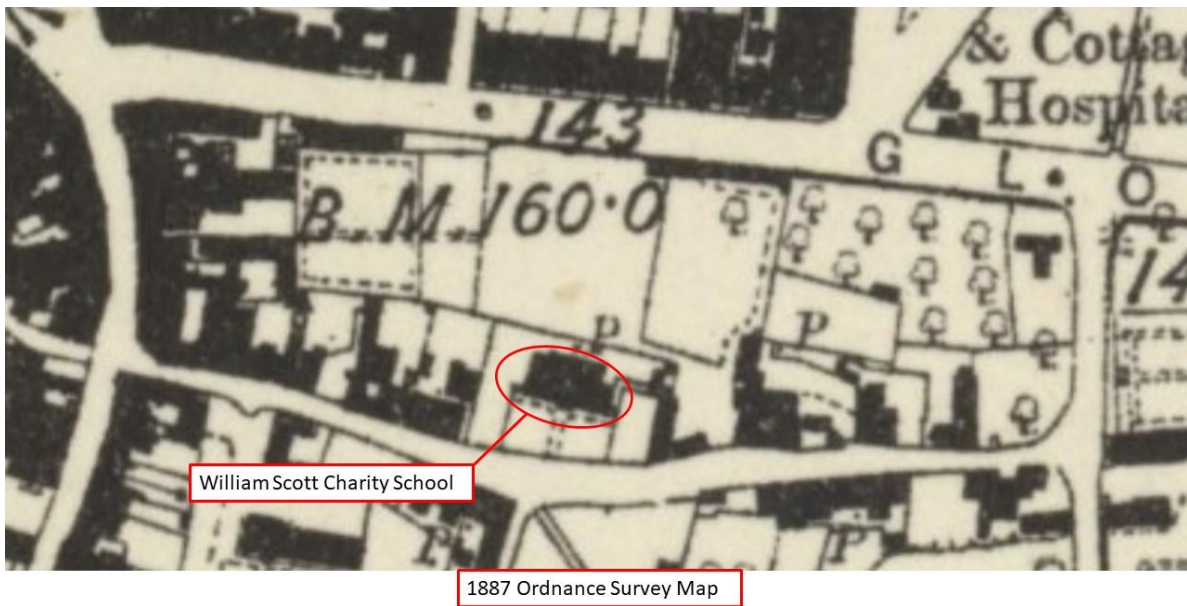
On this basis, the development would fail to satisfy statutory obligations, as set out in Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990; policy requirements set out in Chapters 12 & 16 of the National Planning Policy Framework; and heritage policies within the Herefordshire Core Strategy.

As the development would not result in the complete loss of significance to the heritage assets, or Conservation Area, the level of harm would be classed as less than substantial; however, paragraph 193 of the NPPF advises great weight should be given to an asset's conservation (including its setting) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

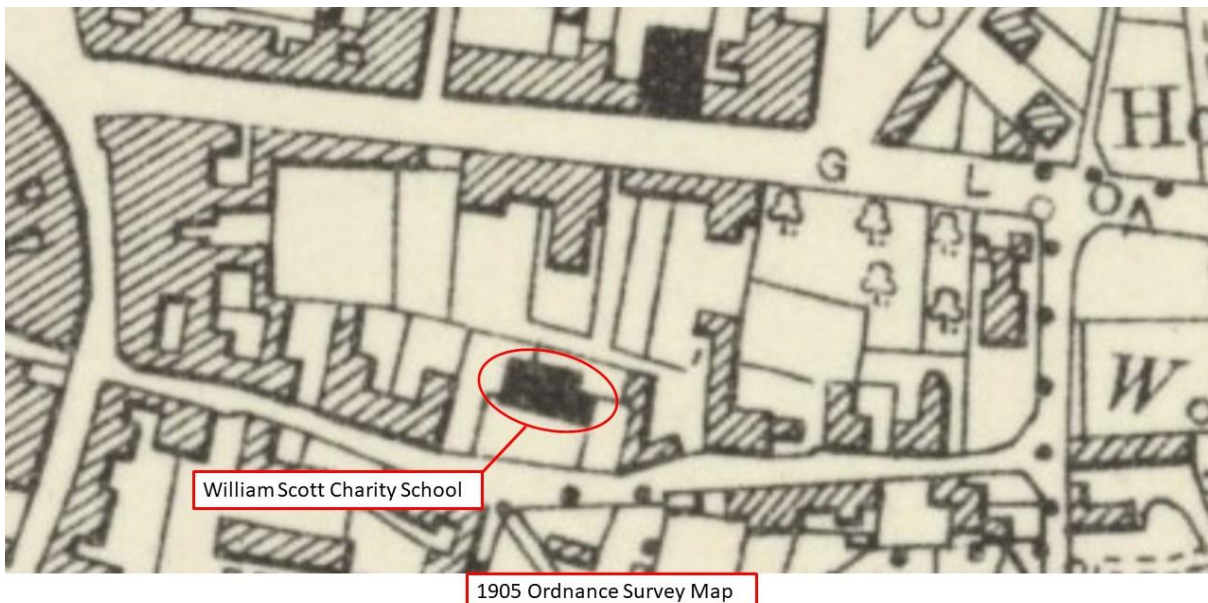
Comments:

The proposed site is situated within the Ross-on-Wye Conservation Area and directly borders the early 17th century, Grade II listed, Walter Scott Charity School.*

Comprehensive development along the southern side of Gloucester Road was undertaken comparatively late; prior to the late-19th century the land was open and undeveloped.



1887 Ordnance Survey Map



1905 Ordnance Survey Map

Subsequent development behind those street frontages broadly conformed to historic development patterns evidenced elsewhere in the centre of the town, and was generally subservient to host buildings; this ensured a consistent degree of separation surrounding the school had been continually maintained.

The proposed scheme is a considerable departure from this pattern, would result in the loss of a historically undeveloped plot, and by virtue of the structures scale and mass, would constitute back-land development which would dominate its surrounding context and fail to enhance or better reveal the significance of the conservation area.

In addition, it would also sever the established visual relationship between the Charity School and the non-designated, 19th century, former congregational chapel situated on the north side of Gloucester Road.



Heritage Statement:

Paragraph 189 of the NPPF advises Local Planning Authorities request a Heritage Statement for development applications that affect heritage assets. The aim of the document is to objectively assess the significance of relevant assets, identify what contribution they make to their wider setting, and determine what impact development would have on the identified significance.

The production of this statement should provide all of the analysis and understanding necessary to establish whether development is achievable; and if it is, it should help inform a sympathetic scheme.

Further information is available in the Historic England document 'Conservation Principles', which outlines a methodology for assessing the significance of heritage assets, and in their guidance document The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3

Specialist heritage expertise would be required to undertake this assessment and compile a statement which would satisfy heritage policy requirements.

The Council's Ecologist comments:

Habitat Regs. Assessment

The site falls within the River Wye SAC/SSSI catchment and within the River Wye SAC Impact Risk Zone "any discharges of water or liquid including to mains sewer." This application is subject to a formal Habitat Regulations Assessment (HRA) process by this local planning authority (LPA) as the competent body in consultation with Natural England.

The initial Habitat Regulations Screening Assessment identifies surface water as 'likely significant adverse effects'. The applicant has indicated in their application that both surface and foul water will discharge to mains sewer.

Surface Water and Foul water to mains sewer

Both surface water and foul water shall discharge through a connection to the local Mains Sewer network, subject to confirmation from Welsh Water that this is acceptable; unless otherwise agreed in writing by the Local Planning Authority.

In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

Prove Biodiversity Enhancement (Net Gain)

Within 3 months of completion of the approved works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO bird nesting boxes (eg. sparrow terraces) and TWO Bat roosting features (eg. bat boxes/tubes/tiles/bricks, raised tiles), should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any enhancement or boundary feature.

To ensure Biodiversity 'Net Gain' and species and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

The Council's Land Drainage Consultant comments:

We recommend that viable surface water and foul water drainage strategies are provided before the council grant planning permission. We have concerns in regards to the surface water strategy due to space restrictions and concerns in regards to the foul water strategy as it is not currently possible to connect to the foul public sewer. An alternative foul drainage strategy may not be possible at this site.

Once the above information has been submitted and approved, should the Council be minded to grant planning permission, the following information should be provided within suitably worded planning conditions:

- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;*
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;*
- Evidence that the Applicant is providing sufficient storage and appropriate flow controls to manage additional runoff volume from the development, demonstrated for*

the 1 in 100 year event (6 hour storm) with an appropriate increase in rainfall intensity to allow for the effects of future climate change;

- Results of infiltration testing undertaken in accordance with BRE365 and 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 in accordance with Standing Advice;*
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of;*
- Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the relevant authorities;*
- Confirmation of the proposed authority responsible for the adoption and maintenance of the proposed drainage systems.*

The **Council's EHO Officer** initially commented (4 July 2019) on the application as follows:

My comments are with regard to potential noise and nuisance issues that might arise from development.

This application is for the building of a 3 storey block containing 5 residential units. The proposal sits in the middle of a service yard area which serves the rear of a number of businesses along Gloucester Road as well businesses with direct access from the Old Gloucester Road. From an amenity perspective, this is a poor location for residential accommodation as there is a considerable amount of plant (commercial kitchen flues, air conditioning and air handling units) and a pub garden to the west of the proposal and plant, people, waste collection, deliveries and so on will all have to pass Albion Chambers to supply these business.

The applicant has supplied a noise assessment report which aims to capture and predict the range of noise sources emitted by different businesses adjacent to this proposal - plant noise, waste collection, deliveries to and from each and the beer garden serving the Wetherspoons pub. Noise was measured unattended over a 6 day period in October and an attended survey undertaken during an evening in which there was a Wetherspoon's delivery.

There is general background noise associated with plant in operation and to a degree in the beer garden to the Wetherspoons pub. However peak noise arises when commercial deliveries are made in particular to the pub and in the warmer weather when the pub beer gardens is most heavily used.

The proposed building has been designed in such a way as to shield most of the noise sensitive rooms from the noisier parts of the service yard area, however the bedroom to the second floor flat will immediate overlook the beer garden and delivery and waste collection area to the pub and air conditioning plant on the side of the pub and the bank.

The noise survey specifies proposed noise reduction to be achieved with the fabric of the building which includes a glazing specification of 10.8/16/6 which would achieve desirable internal noise levels according to BS8233 when the windows of the building are closed. The report finds, however, that during the intervals when deliveries are made and when there is high intensity of use in the pub gardens, noise will not be attenuated with the windows open.

Whilst this will not necessarily constitute a Statutory Nuisance, the amenity of the proposed occupants would be adversely impacted and may be sufficient that they have to keep their windows closed to screen out the noise. The worst upshot being that the occupants will have to keep their windows closed in the summer months when outside pub garden noise is likely to be loudest and it will be most desirable for the occupants to have their windows open.

Although the applicant has attempted to protect the flats from noise in design and layout, I am of the opinion that the amenity of the future occupants would be adversely impacted by the surrounding business activities and that this is an inappropriate location for a residential building. Our department therefore objects to this proposal.

Following the submission of amended plans, further comments were received (27 January 2020):

Further to our department's consultation response of 4th July 2019, the applicant has supplied amended design drawings 1208-2C and 1208-1C. The internal layout of the second floor flat has been revised such that the bedroom window faces east and is on the other side of the proposed building from the service yard area.

Although the building has been designed to mitigate noise I remain concerned about the potential adverse impacts that could arise for future occupants. Allowing this development to go ahead could place undue restrictions on the businesses using the service yard area to the rear. In this regard, I would refer to the Planning Practice Guidance which states that the applicant will need to take into account the current activities that may cause a nuisance but also those activities that businesses are permitted to carry out. A lack of planning restrictions in the service yard area means that deliveries could be undertaken throughout the night with the associated adverse impacts.

The **Council's Waste Officer objects** as follows:

The use of bins by residents is not suitable as they would be required to move their bins from the storage point to a collection point. Where individual households are required to move their bins to a communal collection point, for safety reasons there should be no steps, kerbs, rough gravel, grass or other obstructions along the route. In this instance there are at least 10 steps between bin storage points and the front entrance of the property.

Access to the development is down a private road. It is over 25 meters from Old Gloucester Road, where the refuse collection vehicle (RCV) would have to stop, to the property boundary which is in excess of the maximum distance that collection operatives will 'carry' waste. A collection point would need to be allocated for the placement of waste on collection day. Please refer to "Guidance Notes for storage and collection of domestic refuse and recycling" for advice with regards to Waste Management arrangements for households.

Following amended plans and details, further comments were received on 7th April 2020:

3 steps and 1:10 ramp to bin store is in accordance with 'Guidance Notes for storage and collection of domestic refuse and recycling'

Local Member has been kept up to date with progress of the application and has agreed Delegated decision

Constraints:

Conservation Area
AONB
Listed buildings

Appraisal:

Policy context

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.”

In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). It is also noted that the site falls within the Ross-on-Wye Neighbourhood Area, where the Plan is undergoing referendum on 2 April 2020. At this time the policies in the NDP can be afforded significant weight as set out in paragraph 48 of the National Planning Policy Framework 2019, which itself is a significant material consideration.

While the previous permission on the site is noted, since the granting of this the Ross NDP has progressed. As such, and given that the current application represents a wholly new permission I find it necessary to re-establish the principle of development.

Policy SS1 of the Herefordshire Local Plan – Core Strategy (CS) sets out that proposals will be considered in the context of the ‘presumption in favour of sustainable development’ which is at the heart of national guidance contained within the NPPF. This policy states:

‘When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or the relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking account whether:

a) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or

b) Specific elements of national policy indicate that development should be restricted.'

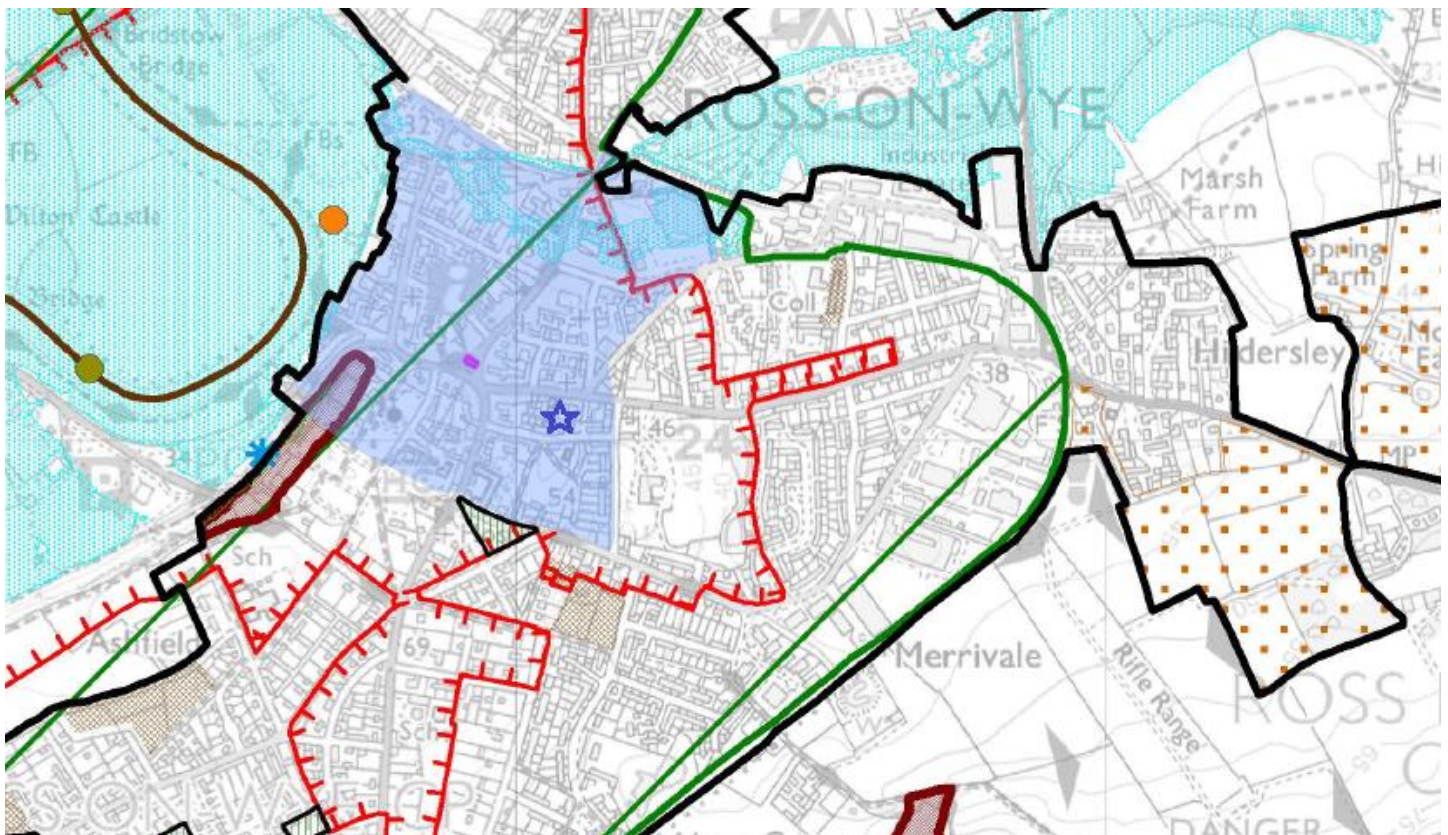
It is acknowledged at this moment in time, the Council is unable to demonstrate a five year housing land supply (this has recently been reduced to 4.05 years). Paragraph 11d of the Framework echoes the above in that it advises the following in respect of decision making:

'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; 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.*

Principle of development

The Ross NDP includes a settlement boundary and under policy EN3 states that development will only be permitted within this. An extract of the boundary is below with the approximate location of the site indicated by the blue star.



With the site being located within the settlement boundary indicated for Ross-on-Wye, the principle of residential development is found to be acceptable in locational terms. The NDP

also has a policy specifically related to infill and backland development (policy EN4). This states that backland development will be supported where:

- i. It is not contrary to the character of the area (as addressed in the Ross-on-Wye Character Assessment Portfolio).
- ii. It is well related and appropriate in height, scale, mass and form to the frontage buildings.
- iii. The proposal respects the character, appearance and safety of the frontage development.
- iv. The proposal respects residential amenity.

With regard to the Character Assessment Portfolio, the site is located within the area 'RCA2 - East Central Ross-Gloucester Road Character Area'. The density along Gloucester Road itself is high and largely characterised by retail/commercial development. The buildings are of two or three storeys with several of one.

In terms of the pattern of development, there is a strong building line directly adjacent to the footpath alongside Gloucester Road and then a varying degree of length of building – some project back into the yards to the rear and some are narrower. While the building proposed would be detached, it would be in keeping in terms of elements being located within the areas to the rear of building facing towards Gloucester Road. While 1 and 2 Albion Chambers are two storeys in height, the proposed would not be out of keeping in terms of scale noting the height of other buildings nearby and the inclusion of a two storey element nearest the rear of these buildings. The distance from the rear of the buildings would also avoid issues impacting upon amenity. Noting the variety of buildings in the area to the rear of Gloucester Road, in relation to materials, scale, form and uses, the proposed is not found to undermine the character of the wider area or conflict with the aims of policy EN4.

The comments provided by the Council's Historic Buildings Officer in relation to the impact on the Conservation Area and William Scott Charity School (grade II listed to the south west) are noted. However, I am mindful of the previous refusal on the site and the two grounds for refusal (noise impact and parking implications). Noting that it is the same development proposed under the current application, and having regard for case law and legislation, I do not find it reasonable to introduce new reasons for refusal at this stage. I acknowledge that the Herefordshire Local Plan – Core Strategy and the Ross-on-Wye NDP have both advanced since the previous application, but the impact on the Conservation Area and nearby listed buildings would have both been assessed under that application. As such, while the comments are noted, they would not reasonably form a reason to refuse this application in light of the material planning consideration in terms of the previous refusal.

In light of the above, the proposal is found to be compliant in terms of the principle of residential development, of the kind proposed, in this location. As such, the technical areas of the application will be assessed below.

Design and amenity

The detail of the design is assessed by policy SD1 of the Core Strategy. This policy states that proposals should be designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development.

The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

The above is reinforced through policy EN1 of the NDP which states that all new development should be of good design and make a positive contribution to the character of Ross. Development should to its surroundings in terms of scale, materials, form, details, layout, public realm and historic character.

The building proposed under this application is a detached three storey building (with a two storey element to the north and nearer the rear of 1 and 2 Albion chambers) comprising of 5 x one bedroom flats. The building will be constructed from facing red bricks with a slate roof. These materials are found to be in keeping with the surrounding development and therefore acceptable, although the exact details will be conditioned on any approval.

Each unit will benefit from a kitchen, sitting room, bedroom and bathroom. The ground and 1st floors will both accommodate two units with one on the 2nd floor. In terms of outside space, units 1 and 2 on the ground floor will benefit from courtyard areas, units 3 and 5 will have balconies located on the south elevation and unit 4 will have a Juliet balcony on the east. Given the level of accommodation within each unit, and the central town location, this is found to be an acceptable level.

With regard to the amenity of neighbouring dwellings, this largely comprises of units over shops facing towards Gloucester Road. High level windows are proposed at first floor on the north elevation and that facing the rear of Albion Chambers. Windows on the west elevation are only at first floor and will be fixed noting that they serve the lobby area as opposed to habitable accommodation.

In relation to windows on the south and east elevation, these will look onto parking and service areas. Noting the close relationship already shared by existing properties, given the town centre location, I do not find it to be the case that new issues of overlooking will be experienced as a result of the proposal.

Highways

Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.' (NPPF para. 109).

The comments from the Council's Highways Officer are noted, as is the second ground for refusal on the previous application. Noting that the site is located within the town centre, a development can be acceptable without parking provision given that public transport can be easily accessed, as well as being in close proximity to facilities and amenities that can be

assessed on foot. A bike store is proposed in order to encourage further sustainable modes of transport.

It is appreciated that the site is located on an existing parking area and that there will be an element of displacement as a result of the building. However, there are a number of public car parks in close proximity to the site. In terms of pressures on on-street parking, this is most likely to be caused by future occupants who wish to park for long periods of time. With this in mind, and having spoken informally with the Council's Parking Enforcement Manager, while parking complaints have not been received, there is some pressure on the parking available. As such, and noting that a car-free development is proposed, I find it appropriate and reasonable to attach a condition prevent future occupants from applying for parking permits.

I acknowledge there are a number of deliveries that take place around the site given the service yard nature of surrounding buildings to the back of Gloucester Road, however, I do not find this to be a reason to prevent new residential development in this location.

Waste

In terms of waste management, the comments from the Council's Waste Officer are noted, and following the submission of the amended plans providing the details of the collection point no objections are raised and it is found to be in accordance with '*Guidance Notes for storage and collection of domestic refuse and recycling.*'

Noise

Policy SD1 of the Core Strategy has been touched on above but this also states that proposals should ensure that new development does not contribute to, or suffer from, adverse impacts arising from noise.

The previous application was refused in light of adequate noise assessments having been undertaken. The following is taken from the previous delegated officer report:

On site it is noted a noisy extractor fan to the rear of the One Stop Shop where there is also a loading bay for deliveries. A further extractor fan is sited to the rear west side of the pub The Mail Rooms. To the rear of the bank in front of the development there are four air conditioning units and a further air conditioning unit to the hairdressers to the front and east. Two further air conditioning units are located to the rear of the premises Walter Scott House, immediately behind the proposed development. This concern therefore relates to the cumulative effects of the noise sources on the proposed residential development.

Following the submission of a noise assessment with the current proposal as well as amended plans in terms of the internal layout, the Council's EHO Officer does not object to the proposal outright. The lack of restrictions on deliveries etc of neighbouring properties is noted, as is the Planning Practice Guidance in terms of taking into account the functioning of businesses, but I do not find the objection received to justify refusing the application as a whole.

In a town centre location there are often examples of new residential development being located to leisure uses such as pubs and clubs. The application has now been accompanied by additional information in comparison to the previously refused application, and in light of the amended layout plan is found to provide the necessary mitigation in terms of proposed occupants and existing businesses.

Ecology

Policies LD2 and LD3 of the Core Strategy are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.

Given the nature of the site, there are not found to be ecological implications but a biodiversity net gain will be conditioned to ensure that this comes forward and provides compliance with policy LD2 of the Core Strategy.

Drainage

Policy SD3 of the Core Strategy states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

The comments from Welsh Water, Land Drainage and the Council's Ecologist are all noted in this regard. It is proposed to dispose of foul and surface water utilising the mains sewer. With these methods according with the hierarchy under policies SD3 and SD4 of the Core Strategy, the HRA has been formulated on this basis and Natural England have no objections.

With no in principle objection to the proposed methods from Welsh Water (the statutory undertaker) I do not find the scheme to be unacceptable in this regard. I will however, attach the conditions recommended. Those recommended by the Land Drainage Consultant are noted and will be incorporated. In light of the lack of an in principle objection from Welsh Water, I do not find it necessary to request additional details prior to the determination of the application as suggested by Land Drainage.

Planning balance and conclusions

Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the

government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.

The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.

As discussed within the report there are no adverse impacts that would significantly and demonstrably outweigh the benefits of new housing and therefore this application is recommended for approval.

RECOMMENDATION: **PERMIT** ☒ **REFUSE** ☐

CONDITION(S) & REASON(S) :

(please note any variations to standard conditions)

1 C01

2 C06 – 1208-1D; 1208-2D; 1208-3D

3 CE3

4 –CBK

5 – Prior to the first occupation of the development hereby approved an appropriate and binding mechanism precluding occupants and any successive occupiers from applying for residents parking permits shall be submitted to and approved in writing and the local planning authority. The approved mechanism shall have effect in perpetuity.

Reason: In order to safeguard the free flow of traffic on the local road network by preventing indiscriminate parking and to accord with CS policy MT1 and the NPPF

6 Both surface water and foul water shall discharge through a connection to the local Mains Sewer network, subject to confirmation from Welsh Water that this is acceptable; unless otherwise agreed in writing by the Local Planning Authority.

In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), and Herefordshire Core Strategy (2015) policies LD2, SD3 and SD4

7 Within 3 months of completion of the approved works evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation within the site boundary of at least TWO bird nesting boxes (eg. sparrow terraces) and TWO Bat roosting features (eg. bat boxes/tubes/tiles/bricks, raised tiles), should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No external lighting should illuminate any enhancement or boundary feature.

To ensure Biodiversity 'Net Gain' and species and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)

8 – CC1 – external lighting / buildings occupied

9 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.

Informatives

1 - IP2

2 - The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

3 -The applicant may need to apply to Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

4 - The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Signed: *Gemma Webster* Dated:23/04/2020.....

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT

☒

REFUSE

☐

Signed:

KOR

Dated: 23/4/2020