

MEETING:	PLANNING COMMITTEE
DATE:	28 OCTOBER 2015
TITLE OF REPORT:	<p>151189 – PROPOSED DEMOLITION OF EXISTING AGRICULTURAL BUILDING AND ERECTION OF 5 NO. FOUR BEDROOM DETACHED DWELLINGS. ALTERATIONS TO EXISTING VEHICULAR ACCESS, LANDSCAPING AND OTHER ASSOCIATED WORKS AT LAND OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE,</p> <p>For: Alan Porter Ltd per Mr Mark Dauncey, 5 The Priory, Old London Road, Canwell, Sutton Coldfield, West Midlands B75 5SH</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=151189&search=151189
Reason Application submitted to Committee – Change of Policy	

Date Received: 17 April 2015

Ward: Ross East

Grid Ref: 359975,222908

Expiry Date: 15 June 2015

Local Member: Councillor PGH Cutter

1. Site Description and Proposal

- 1.1 The application site is located adjacent to the settlement of Ross on Wye at the end of Fernbank Road to the south east of the town. The site forms the lowest part of a larger broadly rectangular agricultural field. The application site area features an existing building and hardstanding area. The overall holding slopes up from Fernbank Road to Merrivale Wood. There is residential development immediately to the north, east and west of the site and a public footpath adjoins the site to the north east. The site is within the Wye Valley AONB as is all of the adjoining area including the more recent development forming Oakhill Rise opposite.
- 1.2 The proposal involves demolition of an existing agricultural building and the erection of five, four bedroom, detached dwellings, associated garaging, access and landscaping.
- 1.3 The development features two house design types both featuring chimneys, entrance porches, rear gables and elevational detailing (cills, fenestration, brick coursing) that varies over the two designs. Plots 1 to 3 have a height to ridge of 8.6 metres from finished ground level with garaging 4.5m high to ridge from finished ground level. Plots 4 & 5 have a height to ridge of 7.9 metres from finished ground level with garaging having a 4.8m height finished ground level.

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 12	-	Conserving and Enhancing the Historic Environment

2.2 Herefordshire Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS6	-	Environmental Quality and Local Distinctiveness
RW1	-	Development in Ross on Wye
H1	-	Affordable Housing – Thresholds and Targets
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency

2.3 The Neighbourhood Plan Area for Ross-on-Wye was designated on 5 September 2013. The plan is presently being drafted and therefore has no weight for the purposes of determining planning applications.

2.4 The 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 DCSE2000/3121/O – Removal of agricultural building and erection of one dwelling – Refused, Appeal Dismissed (The Inspector's decision is attached as Annex 1 to this report).

3.2 SH 221/84 – Residential development – Refused, Appeal Dismissed

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objection however request that if minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Welsh Water's assets. These are attached to the recommendation, below.

Internal Consultees

- 4.2 Transportation Manager has no objection and comments Fernbank road is subject to 30 mph due to the road being furnished with street lighting columns. The proposed access has a street lighting column located to the right of the access, this has potential to be in the visibility splay therefore relocating of the street lighting column will be required.

There is a high presence of pedestrians in the area due to location of local farms and PROW.

All works to meet Herefordshire Council design criteria. Gradient 1:8. Section 278 and Section 38 agreements will be required to be entered into. The submitted drawing states the highway will be built to adoptable standard, it should be noted that we would not look to adopt a highway with less than 6 houses on. Suggested conditions are set out in the recommendation.

- 4.3 The Conservation Manager (Ecology) confirms [he has] read the ecological report from Focus Ecology which reflects the character of the site and the presence of protected species which should be taken into account. The presence of badgers which actively utilise the site for foraging needs taking into account in any design scheme and advises that report recommendations made should be encompassed in a non-standard condition. This is attached to the recommendation, below.
- 4.4 Public Rights of Way has no objection providing public footpaths RR9 and ZK33 are not obstructed by the development.

5. Representations

- 5.1 Ross on Wye Town Council has no objection to this development.

- 5.2 The Wye Valley AONB Partnership has no objection, commenting:-

The site of the proposed development lies within the boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB), which is an area designated for its national landscape importance. The Wye Valley AONB Partnership seeks to encourage high quality design and to conserve and enhance the landscape.

The Partnership recognises that some change to the outstanding landscapes of the Wye Valley is inevitable; however it needs to be carefully managed to sustain the distinctive landscape features and special qualities of the area. In line with this the Partnership accepts the proposal in principle, due to what appears to be the adequate design, and the fact that it is of a scale that should be appropriate within the area.

Notwithstanding the above, this site extends the existing built-up area towards open countryside, including towards landscape features that are important to the AONB, which is why we would like to raise the following points for consideration in determining this application:

- Any new homes should be built to a high design quality and the site and building design should respect the landscape character of the area. This could be achieved by using local materials and finishes, such as a mix of stone and render which is traditionally associated with Ross-on-Wye.
- The mature hedgerows and trees within the site should be retained and ideally buffered to ensure the long-term preservation of their contribution to the wider landscape and ecological networks of the AONB.
- The development should not be visually imposing on the landscape of the area, and existing views towards the wider landscape should be maintained where possible. This might be difficult due to the elevated nature of this development but, where impacts are unavoidable,

mitigation should be put in place through screening appropriate to the landscape, including locally distinctive trees and hedgerows.

- The development should not constrain any existing footpaths leading towards surrounding green areas.

I hope you will be able to take these comments on board in determining this application.

5.3 Nineteen letters of objection have been received along with a petition signed by 14 local residents living in Woodmeadow Road. Comments are summarised as:

- This proposed development is too high in relation to the existing houses in Okell Drive and we will be overlooked
- Fernbank Road is narrow with no footpath and the additional traffic caused by this development will make the road even more dangerous for pedestrians and other road users.
- This is a greenfield development in an AONB
- development in Okell Drive replaced a disused industrial complex and was therefore classed as a "brownfield" site
- the "agricultural" tin shed which is being demolished is tiny in comparison to the proposed development and was built solely to leverage this development. A cynical developer ploy which the council should not allow
- Reference is made to the decision and comments of a previous Inspector at appeal
- Detrimental impact on the character and appearance of the AONB
- Impact on the enjoyment of the PROW
- Concern the remainder of the field would be developed
- Impact on the setting of Ross on Wye
- Impact on wildlife and habitat
- Concern over drainage and surface water
- Concern over access
- Overdevelopment
- Impact on the important retained roadside hedgerow
- Loss of agricultural land
- Impact on views
- No justification for the proposal
- Ross on Wye has sufficient housing

5.4 A mixed comment has been received stating three houses would be more suitable on account of the impact of earth movements required to secure two dwellings at a lower level. This would however, along with the soil redistribution, alter the profile and topography of Chase Hill.

5.5 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

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

6.1 Paragraph 14 of the NPPF clearly defines '*presumption in favour of sustainable development*' as the golden thread running through the NPPF. It goes on to state that for decision taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the NPPF indicate development should be restricted.

- 6.2 Core Strategy Policy SS1 details Herefordshire Council will take a positive approach that reflects this presumption in the NPPF. As part of this, this means locating new residential development within or adjoining Ross on Wye.
- 6.3 The site is surrounded to its north, east and west by existing residential development that includes two cul-de-sac relatively modern developments of eleven detached dwellings. The site is within walking distance of the town centre along with various local shops and facilities that includes a school, shops, post office, public house and play area. From a landscape and streetscape assessment, the plot represents a natural infill or rounding off to the existing built form of the town hereabouts that is not considered to undermine the overall character and appearance of the wider landscape or countryside having regard to the context, topography, proposed landscaping and the fact only a limited and lowest part of the site forms the developed area.
- 6.4 Core Strategy Policy RW1 identifies that Ross-on-Wye will accommodate a minimum of 900 new dwellings during the plan period with new proposals encouraged to:
- 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.
- 6.5 Sustainable development and sustainability are more than a matter of location. The NPPF states that good design is a key aspect of sustainable development and indivisible from good planning. It is not just a matter of aesthetics. Amongst other things, it says that decisions should aim to ensure that developments function well and add to the overall quality of the area; and optimise the potential of the site to accommodate development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.6 This proposal includes high quality sustainable design that also creates a safe, accessible, well integrated environment. In conjunction with this, the proposal incorporates the following relevant requirements of Core Strategy policy SD1:
- ensure that proposals make efficient use of land taking into account the local context and site characteristics,
 - new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development. while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design;
 - safeguard residential amenity for existing and proposed residents;
 - ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination, land instability or cause ground water pollution;
 - ensure that distinctive features of existing buildings and their setting are safeguarded;
 - utilise sustainable construction methods which minimise the use of nonrenewable resources and maximise the use of recycled and sustainably sourced materials;
 - Where possible, on-site renewable energy generation should also be incorporated;
 - ensure that proposals make efficient use of land -taking into account the local context and site characteristics, including land stability and contamination;
 - ensuring designs can be easily adapted and accommodate new technologies to meet changing needs throughout the lifetime of the development.

- 6.7 The unacceptability of development within the AONB is explained within the NPPF as being a scenario whereby:
1. specific policies of the NPPF indicate otherwise; or
 2. where harm associated with the development would outweigh its benefits when held against the NPPF as a whole – ‘the planning balance’.
- 6.8 Officers do not consider the provision of five dwellings to represent major development in the context of Ross on Wye and paragraph 116 of the NPPF. The density of development proposed the application site represents 8.65 dwellings per hectare. The planning balance therefore applies here – that is, does the impact or any ‘harm’ to the AONB outweigh the material benefits.
- 6.9 If a proposal is considered to represent sustainable development, then the decision taker is required by paragraph 14 of the NPPF to engage the positive presumption in favour of the proposal. The Government’s definition of sustainable development is considered to be the NPPF in its entirety, though a concise list of core planning principles is offered at paragraph 17. In terms of residential development, bullet points 5 and 11 of this paragraph are most relevant in requiring that planning:
5. takes account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and
 11. actively manages patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.
- 6.10 The AONB Partnership along with Officers, recognise that some change to the outstanding landscapes of the Wye Valley is inevitable; however it needs to be carefully managed to sustain the distinctive landscape features and special qualities of the area. In line with this Officers and the AONB Partnership accept the proposal in principle, due to the design quality of the proposal and the fact that it is of a scale that should be appropriate within the area.
- 6.11 Core Strategy policy SS6 describes proposals to conserve and enhance environmental assets and in policy LD1 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;
 - incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and
 - maintain and extend tree cover where important to amenity, through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.
- 6.12 Core Strategy policy SD1 describes good design embraces more than simply the aesthetics of new development and includes how buildings are used, accessed and constructed. Equally, for development to be considered sustainable, it must embrace the move to a low carbon future through designing buildings that are more energy and water efficient and increase the use and supply of renewables. It sets out how the Council will seek to ensure that future developments are designed to enhance local distinctiveness but without stifling innovation and creativity, particularly with regard to energy efficiency.

- 6.13 The Core Strategy recognises high quality design and well planned developments can enhance community cohesion through maintaining or creating a sense of place. New development should be designed to preserve and enhance locally distinctive characteristics and positively contribute to the appearance of the locality. To achieve this, it is important that new development is successfully integrated into the existing built, natural and historic environment; however recognising that architectural styles change over time. Policy SD1 does not seek to stifle architectural innovation, contemporary design or reject advances in design and technology.
- 6.14 It is noted the application site extends the existing built-up area towards open countryside, including towards landscape features that are important to the AONB. As such the following points have been considered in determining this application:
- The proposed dwellings are to be built to a high design quality and the site and building design respects the landscape character of the area. This is achieved by using local materials and finishes, including a mix of stone and render which is traditionally associated with Ross-on-Wye.
 - The mature hedgerows and trees within the site are retained and buffered to ensure the long-term preservation of their contribution to the wider landscape and ecological networks of the AONB. This includes specific conditions to protect this established planting during the construction phase.
 - The development is not visually imposing on the landscape of the area, and existing views towards the wider landscape are maintained where possible. Mitigation is in addition, in place through screening appropriate to the landscape, including locally distinctive trees and hedgerows.
 - The development does not constrain any existing footpaths leading towards surrounding green areas.
- 6.15 The majority of objections come from residents in Fernbank Road area. It should be noted that all the existing housing hereabouts, including Woodmeadow Road and the even more recent Okell Drive development are all within the AONB. As noted above, the AONB designation in itself in such a location does not preclude development, only requires significant consideration is made to retain the landscape quality, design and character.
- 6.16 Reference is made to the findings of two previous appeals in 1985 and 2004 against refusal of a residential development. Whilst those Inspectors' comments are noted and respected, I do not consider they can be considered an 'absolute position' precluding development. Both local and national planning policies have evolved, developed and changed, including the current position regarding housing land supply and sustainability detailed in this report. When this position is considered against the small scale and quality of the proposal and the lack of objection from both Ross-on-Wye Town Council and the AONB Partnership significant weight can be given to the proposal.
- 6.17 In respect of traffic, highway safety and the Public Right of Way, the lack of objection from the Transportation and PRow Managers is noted. Traffic generated from five dwellings is not considered to generate a volume of movements that will have a detrimental impact to existing road users, risk safety or be at a level the local road network can not cope with. The development is not considered to have a detrimental impact on these matters and the requested conditions and informatives ensure not only requisite standards are incorporated, but also impact during and after the development phase is minimised.
- 6.18 In respect of impact on adjoining amenity and privacy, plot 1 is nearest to any existing dwelling, located in replacement of the existing agricultural building. This has a distance of approximately

18 metres to no.14 Woodmeadow Road and its rear elevation, however the proposed dwelling is offset from it. The inter-relationship between plots 2, 3, 4 and 5 is not considered to adversely impact on other existing dwellings through orientation, landscaping, and the existing context. The development has a stepped elevational façade when read in conjunction with the ground level changes. The dwellings on Fernbank Road in particular are separated by significant existing retained vegetation and landscaping along with the road.

- 6.19 Concern regarding the development of the remainder of the field is not a material planning consideration and any application would be assessed on its own merits.
- 6.20 The proposal is of a density, form and nature commensurate with the prevailing local character and context and in itself of a high quality that satisfies local and national planning policies in respect of design.
- 6.21 As such the requirements of Core Strategy policies SS1, SS2, SS3, SS6, H1, RW1, LD1, LD2, LD3 and LD4 are satisfied along with the relevant aims and objectives of the NPPF. On the basis of the above approval with conditions, below, is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 – Time limit for commencement**
- 2. **B02 – Development in accordance with approved plans and details**
- 3. **The recommendations set out in Section 6 the ecologist’s report from Focus Ecology dated October 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a species mitigation and habitat enhancement scheme integrated with the landscape scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.

- 4. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the NERC Act 2006, Conservation of Habitats and Species Regulations 2010 and relevant Policies of the Core Strategy.

- 5. **Foul water and surface water discharges shall be drained separately from the site.**

Reason: To protect the integrity of the public sewerage system.

- 6. **No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.**

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

7. **Public footpaths RR9 and ZK33 shall not at any time during or after the construction phase be obstructed by the development.**

Reason: To comply with Herefordshire Unitary Development Plan policies DR2, DR3

8. **H03 – Visibility Splays 2.4 - 51 (mfs 2 2 seconds)**

9. **H06 – Vehicular access construction**

10. **H09 – Driveway gradient**

11. **H13 – Access, turning area and parking**

12. **H18 – On site roads - submission of details**

13. **H17 – Junction improvement/off site works**

14. **H20 – Road completion in 2 years**

15. **H27 – Parking for site operatives**

16. **H29 – Covered and secure cycle parking provision**

17. **G01 – Earthworks**

18. **G02 – Retention of trees and hedgerows**

19. **G03 – Retention of existing trees/hedgerows: scope of information required**

20. **G04 – Protection of trees/hedgerows that are to be retained**

21. **G05 – Pre-Development tree work**

22. **G09 – Details of Boundary treatments**

23. **G10 – Landscaping scheme**

24. **G11 – Landscaping scheme – implementation**

25. **C01 – Samples of external materials**

26. **F07 – Domestic use only of garage**

27. **F14 – Removal of permitted development rights**

28. **Prior to the first occupation of the development a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 shall be submitted to and approved in writing by the local planning authority and implemented as approved.**

Reason: To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Welsh Water Informatives
3. HN01 – Mud on highways
4. HN04 – Private apparatus in the highway
5. HN05 – Works within the highway
6. HN08 – Section 38 Agreement & Drainage details
7. HN10 – No drainage to highway
8. HN22 – Works adjoining highway
9. HN24 – Drainage other than via highway system
10. HN28 – Highways Design Guide and Specification

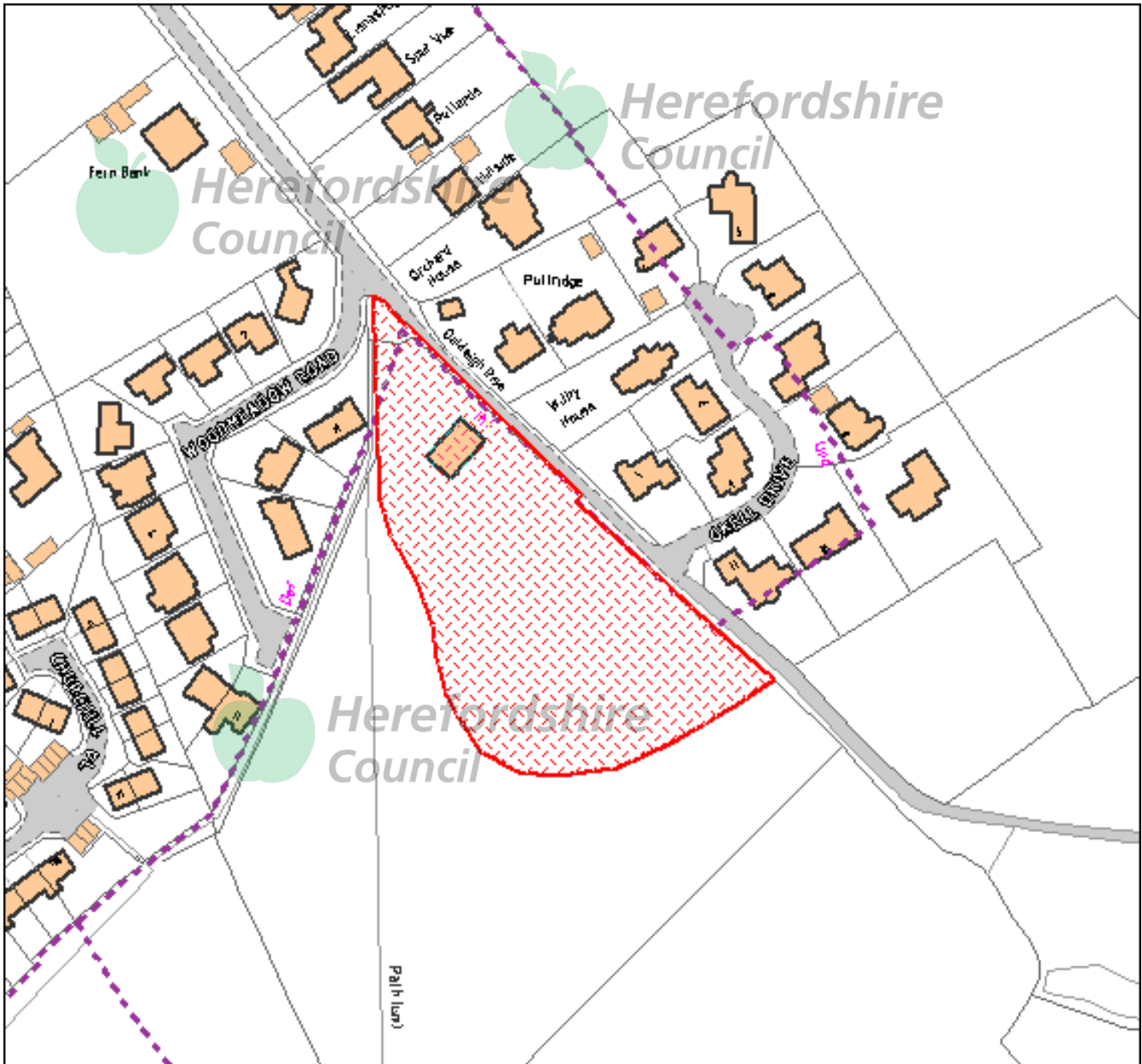
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 151189

SITE ADDRESS : LAND OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE

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