

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>21 FEBRUARY 2018</b>
<b>TITLE OF REPORT:</b>	<b>173600 - HYBRID PLANNING APPLICATION PROPOSED FOR THE DEVELOPMENT OF EMPLOYMENT USES INCLUDING B1, B2 AND B8, INCLUDING FULL DETAILS OF THE ACCESS, INTERNAL ROAD INFRASTRUCTURE AND CIRCULATION ROUTES, AND LANDSCAPING WITHIN A LANDSCAPE BUFFER ZONE PROVIDING SURFACE WATER ATTENUATION AND PLANTING AT MODEL FARM COTTAGE, HILDERSLEY, ROSS-ON-WYE, HR9 7NN</b>  <b>For: Mr Stephens per Mr David Brown, Arup, 4 Pierhead Street, Cardiff, CF10 4QP</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173600&amp;search=173600">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173600&amp;search=173600</a>
<b>Reason Application submitted to Committee – Council land</b>	

**Date Received: 22 September 2017    Ward: Ross East    Grid Ref: 361393,224163**

**Expiry Date: 28 February 2018**  
Local Member: Councillor PGH Cutter

## **1. Site Description and Proposal**

- 1.1 Outline planning permission with all matters bar access and landscaping is sought for the development of employment uses (including B1, B2 and B8). The access and internal road infrastructure, circulation routes and landscaping buffer zone, within which surface water attenuation and planting would occur, have been designed and approval is sought for these elements now.
- 1.2 The site is at Model Farm and lies to the north of the A40 at the south-eastern edge of Ross-on-Wye. The site extends to approximately 15.5 hectares of agricultural land and includes a small farmstead lying centrally within the application site. Boundaries to the north and east are shared with open countryside. To the west, beyond the proposed landscape buffer zone is residential development. The detached dwelling 'Meadoway' and its curtilage takes a wedge shaped notch out of the application site on the A40 boundary. Land opposite to the south of the A40 comprises the residential allocation known as 'Land at Hildersley' – the housing allocation at Ross. There is a Committee resolution to approve outline planning permission for the erection of approximately 212 dwellings on this land.

- 1.3 The landscape character of the site and its surrounding area is typical of the Principal Settled Farmlands typology, with fields defined by mature hedgerows and containing occasional hedgerow trees. The site is quite open in nature and is widely visible within a local context. It is outside of the Wye Valley Area of Outstanding Natural Beauty and has no specific landscape designation. The site is also located wholly within Flood Zone 1; the area at lowest risk from fluvial flooding.
- 1.4 As above, the application is made in outline with all matters apart from access and landscaping reserved for future consideration and seeks to demolish the existing farm buildings and develop the land for employment purposes; a mix of B1 (light industrial/office), B2 (general industrial) and B8 (storage and distribution) uses. Details of the proposed split of floor area are provided in the Design and Access Statement and these are as follows:-
- B1 – 16,500 square metres gross floor area
  - B2 – 8,900 square metres gross floor area
  - B8 – 4,000 square metres gross floor area
- 1.5 The application is submitted with an indicative master plan which shows six development areas within detailed landscaping proposals. All existing buildings on site, including the farmhouse, would be demolished. The six development areas will come forward either as a single future reserved matters application or, and perhaps more likely, multiple individual applications.
- 1.6 The detailed landscaping proposals show a buffer between the existing housing to the west and the substantive part of the site that it is proposed to use for employment purposes. The landscaped area covers approximately a quarter of the site and includes surface water attenuation ponds, and orchard planting and grazing area to reflect the historic landscape character. The landscaping scheme also proposes 1.2 kilometres of new hedgerow planting to mitigate the loss of existing hedges arising as a result of the built form.
- 1.7 Access to the site is to be provided directly from the A40 at the south eastern corner. The submission advises that the internal layout will be compliant with the Council's Highway Design Guide and Specification and provides a detailed layout for this. A pedestrian and cycle link is proposed to be created through part of the orchard plantation to the south western corner of the site and footway/cycleway improvements are to be made along the A40. These include an improved footway across the entire site frontage, new bus stops and a signalised pedestrian crossing.
- 1.8 The general masterplan arrangement is shown overleaf. Potential parcels for development are shown in grey with the main estate road entering the site at the south-eastern corner, associated with a ghost right-turn lane for westbound traffic. Bus stops are introduced with a signalised pedestrian crossing and cycle/pedestrian infrastructure link both north in the vicinity of the crossing and traversing the landscape buffer to enter/exit the site at the south-western corner. The landscape buffer is set out within significant planting and is also the location of the swales and attenuation basins.
- 1.9 It should be noted that the application site is recognised in the Core Strategy as the likely allocation for employment land at Ross-on-Wye. SS5 confirms that a 10ha employment site is allocated at Ross-on-Wye. The site has also had the benefit of outline planning permission for the development now proposed on two occasions previously (see planning history section below) and was allocated historically for employment development in the Unitary Development Plan. In fact the site has been recipient of planning permission for employment related development twice before – see section 3 below.
- 1.10 The Ross Key Diagram and text at 4.7.9 refers to the delivery of employment land to the north of the strategic housing site at Hildersley at the eastern approach to the town and with a landscape buffer against residential property to the west. The masterplan reflects this.



## **2. Policies**

### **2.1 National Planning Policy Framework**

Section 1	-	Introduction
Section 2	-	Achieving Sustainable Development
Section 3	-	Supporting a Prosperous Rural Economy
Section 4	-	Promoting Sustainable Transport
Section 10	-	Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 11	-	Conserving and Enhancing the Natural Environment

### **2.2 Herefordshire Local Plan – Core Strategy**

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS5	-	Employment Provision
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
RW1	-	Development in Ross-on-Wye
RW2	-	Land at Hildersley
OS1	-	Requirement for Open Space, Sport and Recreation Facilities
OS2	-	Meeting Open Space, Sport and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
E1	-	Employment Provision
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
LD4	-	Historic Environment and Heritage Assets
SD1	-	Sustainable Design and Energy Efficiency
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

### **2.3 Ross on Wye Neighbourhood Development Plan**

A Neighbourhood Development Plan is being formulated, but is not yet advanced sufficiently to attract weight for the purpose of decision-making on 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/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## **3. Planning History**

- 3.1 133411/CD: Hybrid planning application for the development of employment uses including B1 (16,500sq.m GFA), B2 (8,900sq.m GFA) and B8 (4,000sq.m). Including full details of the access, internal road infrastructure and circulation routes, and landscaping within a landscape buffer zone providing surface water attenuation and planting: Approved 10<sup>th</sup> December 2014
- 3.2 101350/CD: Proposed development of employment uses including B1, B2 & B8. Alterations to access, internal road and associated infrastructure and landscaping buffer zone, which includes a change of use: Withdrawn.

- 3.3 DCSE2007/3140/O: Outline planning application for the development of employment uses including B1, B2 and B8. Together with change of use to form landscape buffer zone. Approved 18 January 2008.

#### 4. Consultation Summary

##### Statutory Consultations

##### 4.1 Welsh Water: No objection subject to conditions

The proposed development would overload the existing Waste Water Treatment Works. However, improvements are planned for completion by 31st March 2020. We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

##### Conditions

*No buildings on the application site shall be brought into beneficial use earlier than 31st March 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.*

##### 4.2 Environment Agency: No objection subject to conditions

Thank you for reviewing the above application which was received on the 6 October 2017. We have no objection to the proposed development and would recommend the following comments and conditions be applied to any permission granted. We have reviewed the following information in formulation our response: 1) ARUP, Herefordshire Council Model Farm Flood Risk Assessment Update, 6 September 2017 2) ARUP, Herefordshire Council Model Farm Design and Access Statement, August 2017 3) ARUP, Herefordshire Council Model Farm Geotechnical Update to Desk Study (2008), Phase 1 Environmental Risk Assessment (2008) and the Ground Investigation Report (2009) Technical Update Report, 15 September 2017 This site is located above a Secondary Aquifer, Source Protection Zone (SPZ1/2), WFD groundwater body, WFD drinking water protected area and is adjacent to a surface watercourse. The site is considered to be of sensitive and could present potential pollutant/contaminant linkages to controlled waters.

We are in agreement with the conclusions and recommendations of the submitted reports but would recommend the condition below to offer protection in the case of contamination not previously identified.

**Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

**Reason:** To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency's approach to Groundwater Protection Position Statements.

**Condition:** No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

**Reason:** To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

**Condition:** Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**Reason:** To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

#### 4.3 Natural England: No objection

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 sites – River Wye Special Area of Conservation**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the River Wye Special Area of Conservation and has no objection to the proposed development.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Flood Risk Assessment – Section 4.2 for Foul Water and Section 6 for Surface Water, Drainage Drawings CD-100 & CD-101
- Air Quality - NOx and Ammonia arising from vehicles on site normally affect vegetation growth within 200m from the road.

We advise that foul sewage be disposed of in line with Policy SD4 of the adopted Herefordshire Core Strategy. Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology. We advise that package treatment plants/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to

allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs). Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

#### **River Wye Site of Special Scientific Interest**

The advice we provided for the River Wye SAC, applies equally to the River Wye SSSI.

#### **Protected Landscapes – The Wye Valley AONB**

The proposed development is for a site within or close to a nationally designated landscape namely The Wye Valley AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

#### **4.4 Highways England: No objection subject to conditions**

HIGHWAYS ENGLAND ("we") have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard to planning application P173600/O and has been prepared by Patrick Thomas, Asset Manager for Highways England.

#### **Planning History**

The Model Farm development first gained planning permission approval in 2014, but due to delays in the construction of the site, the planning permission is due to expire at the end of 2017, thus requiring renewal. As part of the renewed planning application, an updated Transport Assessment (TA) was required.

## Current Planning Application

Highways England understands that a planning application was validated on 22 September 2017 for the proposed development at Model Farm, planning application P173600/O.

Highways England issued a formal response to Herefordshire Council on 26 October 2017 recommending that planning permission should not be granted for a period of 3 months. This was due to outstanding issues relating to the Transport Assessment submitted in support of the planning application.

Since this holding recommendation was issued, Highways England has engaged with Herefordshire Council's technical advisors and additional technical information has been submitted to Highways England for review and agreement.

A review of this information has concluded that the proposed development would not have a significant impact on the SRN.

Given the above, it is considered that the proposed development would be acceptable to Highways England subject to the imposition of our recommended planning conditions as detailed below.

It was agreed during scoping discussions that the requirement for a full Travel Plan could be a planning condition to be attached to any planning permission granted. There is also a need to ensure that any impact on the Strategic Road Network during construction works is minimised. We consider that this requirement is best dealt with by way of a planning condition. Therefore, the conditions below are recommended:

### Highways England Recommended Planning Conditions

#### *Condition 1*

*A full workplace Travel Plan will be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England prior to the occupation of each phase of the development. This shall contain details of actions to be taken to encourage the use of sustainable transport alternatives to private car, targets for mode shift and timescales for their implementation. The actions detailed shall then be implemented and monitored in accordance with the Travel Plan.*

#### *Reason*

*To ensure the safe and free flow of traffic on the A40, A449 and M50 Motorway and that the A40, A449 and M50 Motorway continues to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to ensure that sustainable travel choices are available for occupants of the site.*

#### *Condition 2*

*No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority for the A40 and A449 trunk roads and the M50 motorway. The CTMP shall provide details of the access routes to the site to be used by construction traffic. The approved CTMP shall be adhered to throughout the construction period*

#### *Reason*

*To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.*



## Internal Council Consultations

### 4.5 Traffic Manager: No objection subject to conditions

Having read through both the recently submitted application and the previously approved application I raise no objections. Any design of highways works should be in line with the previous application and the additional development of Hildersley.

It should be noted that the site should provide a robust travel plan and signs for the development should meet DMRB/DFT standards.

### 4.6 Conservation Manager (Landscape): I have read the landscape character and visual statement and seen the landscape proposals. I am aware that no changes are proposed to the scheme since it was consented in 2014. Having visited the site I am satisfied that whilst the development will result in a change in character to the land the mitigation strategy is comprehensive and will address the most sensitive parts of the site in particular the boundaries. The proposal is therefore considered compliant with policy LD1 of the Core Strategy.

### 4.7 Conservation Manager (Ecology):

Thank you for consulting me on this application. I have read the report updating the ecology for the site which I note now includes the previously excluded Spring Farm. I am content with probity and findings of the surveys conducted and, if given approval, I would recommend that the following conditions are attached:

*The recommendations for species and habitat enhancements set out in the ecologist's report from ARUP dated September 2017 should be followed unless otherwise agreed in writing by the local planning authority. A working method statement for all protected species present, together with a 10 year ecological management plan integrated with the landscape plan should be submitted to the local planning authority in writing. The plan shall be implemented as approved.*

*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 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).*

*To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).*

*I would also recommend that a standard condition for tree and hedgerow protection should be added such as 'G04 – Protection of trees/hedgerows that are to be retained' is also included.*

### 4.8 Conservation Manager (Archaeological Advisor): As was previously been advised in relation to (for instance) P133411/CD) all necessary assessment and evaluation of this site has already taken place.

This assessment and evaluation indicates the choice of site to be a good one archaeologically, with little likelihood of any issues arising. I support the application, and have no further comments to make.

#### 4.9 Strategic Planning Manager:

Thank you for consulting Strategic Planning on the above application. The comments shall focus primarily on this site's strategic allocation for employment use in the Council's past and present development plans, including the current Local Plan Core Strategy (LPCS).

The site was originally identified for employment use allocation in the Unitary Development Plan 2007 (UDP), which formed the development plan for the County until the adoption of the LPCS in October 2015.

A separate Model Farm Supplementary Planning Document (SPD) was produced in 2008 following the UDP's adoption, outlining the approach that should be taken to development of the site. It concluded that the site should be developed to create a high quality employment development, promoting innovative business uses, and the development of an enterprise business cluster within the area. It should also utilise sustainable construction methods, be affordable to a range of users, and be integrated within the landscape through design and layout. This SPD was, however, written as a supplement to the now out-of-date UDP and is now archived, so although a material consideration, it will carry less weight.

The Employment Land Study 2012 (ELS), produced by Drivers Jonas Deloitte, formed part of the evidence base for the LPCS. In a hierarchy of the Herefordshire's existing and potential employment sites, on a scale ranging from "Poor-Moderate-Good-Best", it classified this site as "Good". It highlighted its likely market attractiveness and good access to the A40 among its reasoning for this classification. One issue the ELS did highlight was the potential for development of it to detract from the environmental quality of the area, and that measures would need to be taken to protect the environmental assets of the site in conjunction with development. It is noted that the proposals include landscaping, a buffer zone and planting.

The site was carried forward from the UDP as a strategic employment site in the LPCS, under policy E1- Employment Provision. The LPCS (para 5.2.12) envisaged that this site would deliver "innovative knowledge-based industries and a high quality mix of B1, B2 and B8 employment". The proposals indicate that these three use classes are what will be accommodated by the development.

It is noted that Ross-on-Wye is producing a Neighbourhood Development Plan (NDP). However, this is still currently at pre-draft stage, and therefore there are no draft policies or proposals which can carry any material weight at present.

It is considered that this proposal has had full regard to the vision for the site envisaged by the Council in the both past and present Local Plan documents. The Strategic Planning Team supports this application.

4.10 Environmental Health Manager (contamination): No objection subject to conditions

4.11 Environmental Health Manager (noise): From a noise and nuisance perspective our department has no objections in principle to this application. We have yet to see which sites at the proposal will be designated B1, B2 and B8 respectively and will want to comment on this in due course.

#### 4.12 Land drainage: No objection subject to conditions

##### **Overall Comment**

We have no objection to the proposed development in principle. However, we recommend that the following information is provided prior to the Council granting planning permission for this development:

Information to demonstrate that natural catchment flows, and emerging groundwater (if applicable), draining to the watercourse flowing through the site have been considered in the drainage design and that conveyance features are appropriately sized. This could potentially be addressed through reserved matters provided any changes to the current design would not materially affect the design of the access road (which is subject to full planning).

- Confirm proposals for future adoption and maintenance of the site drainage.
- Confirm appropriate agreements in principle for the construction and future maintenance of the foul connections if this crosses third party land.

Should the Council be minded to grant planning permission, we recommend that the Applicant submits the information requested above along with the following information within any subsequent reserved matters application:

- Demonstration of how proposed flood risk and resilience measures have been incorporated into the proposed development, including provision of safe access and egress;
- Detailed drawings that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features;
- Drainage 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;
- Assessment of potential failure of above-ground attenuation features (if present), including assessment of residual risks to downstream receptors, and proposed mitigation and management measures;  
Confirmation of the proposed methods of treating surface water runoff to ensure no risk of pollution is introduced to groundwater or watercourses both locally and downstream of the site, especially from proposed parking and vehicular areas;
- Description and drawings demonstrating the management of surface water runoff during events that may temporarily exceed the capacity of the drainage system;
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of and illustrating the location of key drainage features;
- Results of infiltration tests in accordance with 8RE365 and contamination assessment to determine if infiltration of surface water runoff is feasible at the site.

If the results of infiltration testing indicate that infiltration will 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.

## **5. Representations**

### 5.1 Ross-on-Wye Town Council: No objection

## 5.2 Weston-under-Penyard Parish Council (adjoining): Qualified comment

The council has serious concerns with regard to an increase in traffic, especially heavy goods vehicles. Also congestion backing up from the entrance to the site on the A40 eastbound into the village. The plans give little reassurance that the proposed layout will ease the congestion.

One of major concerns of residents during the consultation process of the NDP was traffic through the village.

## 5.3 Three letters of objection have been received from residents living at Weston-under-Penyard. These raise the issue of increased traffic passing through the village as a consequence of Model Farm and other developments along this corridor. The content is summarised as follows:-

- Any future development in our area (in this case, from Ross on Wye to Lea), will inevitably and markedly increase the flow of traffic on the A40. Westbound traffic has to pass through Weston under Penyard because there is no other access to the A40 before the Model Farm site.
- Even in the 30mph restricted area overtaking is common. This is a percentage of motorists who will always do this. This will get worse with increased traffic in the area.
- The only way to ensure the safety of our villagers, who wish to cross the road to and from school, or to bus stops etc, is to provide pedestrian safe havens, such as an island in the middle of the road, or an established pedestrian crossing, as well as increased enforced speed control, in the provision of a permanent radar trap.
- The safety of the existing population, especially at Weston under Penyard, will inevitably be compromised, unless these measures are put in place. Progress has to be made, but with this comes the responsibility for ensuring the safety and wellbeing of villagers further down the A40 from Model Farm, (such as Weston, Ryeford, and Lea), protecting them from the impact of increased fast traffic, which WILL happen.
- The development of the Model Farm site should not proceed without providing suitable road safety measures such as the positioning of pedestrian islands at those three points on the A40.
- It is disappointing that Herefordshire Council has made no effort to improve road safety on the A40 or to remedy the traffic hazards in Weston under Penyard.

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=173600&search=173600](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=173600&search=173600)

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

### Principle of Development

## 6.1 Ross-on-Wye is designated as one of the five market towns identified as recipient for significant housing and employment growth by the Herefordshire Local Plan – Core Strategy (CS). Policy SS5 of the CS confirms that new strategic employment land allocations are identified at Hereford, Leominster, Ledbury and Ross-on-Wye, where 10ha is allocated. The supporting text at paragraph 3.70 confirms that at the time of CS drafting, Model Farm was a committed site i.e.

it had planning permission at that stage. I am unaware of any other emerging employment sites in or around the town.

- 6.2 Policy RW1 – Development in Ross-on-Wye – also confirms that approximately 10ha of employment land will be allocated and paragraph 4.7.5 confirms that the potential for new employment development will “remain at Model Farm.” All of the above combine to confirm that the application site is, in effect, allocated employment land within the CS. The principle of development is thus established.
- 6.3 The application seeks approval of access and landscaping at this stage with scale, layout and appearance reserved for future consideration. On this basis the report will discuss the matters of detail (access and landscaping) first.

### **Highways and Transportation**

- 6.4 The access strategy proposed with this application remains as per the most recent approval 133411/CD. The sole point of vehicular access is located at the SE corner of the site from the A40. Allied to this is the formation of a ghost right-turn lane for westbound traffic. It is recommended that provision be made for the right-turn lane prior to the first occupation of any development on site; it being both necessary and difficult to install once the site is operational.
- 6.5 Elsewhere on the A40 bus stops are proposed (both eastbound and westbound) and these link to shared cycle-footway provision within the site; one extending northwards into the site from the bus stops (along the line of the secondary driveway), the other entering the site at the SW corner and crossing the landscape buffer land.
- 6.6 Elsewhere on the network, and in recognition of the potential for increased queuing times on the southern approach, modification of the southern leg of the A40 Overross roundabout is also proposed. This will amount to realigning the kerb and introducing road markings such that two lanes of traffic can form on approach i.e. those turning left or going straight on and those turning right towards the M50. It is not imperative that all of the highway mitigation work is undertaken prior to first occupation of the site, particularly as it is envisaged that the development of the site will take place in phases. For this reason the draft conditions are worded such that a phasing plan will identify the requisite mitigation for each phase or part thereof. Otherwise the approach of the proposed conditions is that a phasing plan is submitted that commits the developer to the execution of the Overross roundabout works at a point that will be agreed in conjunction with Highways England.
- 6.7 On this basis, and taking account of the proposed limitation of gross floor space within B1, B2 and B8, Highways England is content that the scheme will not have a significant impact on the Strategic Road Network and have no objection subject to the imposition of conditions.
- 6.8 Subject to the imposition of conditions, as reflected in the recommendation below, the Traffic Manager likewise has no objection. The proposed means of access is in accordance with the Council's adopted Highways Design Guide and the requisite 2.4m x 215m visibility splay is achievable in both directions and indeed exists at present.
- 6.9 The scheme has attracted comment from the Weston-under-Penyard Parish Council and some Weston-under-Penyard residents. These comments are reported in Section 5 above. Broadly speaking there is support for the intent behind the proposal, but concern that the increase in traffic travelling through Weston-under-Penyard and indeed other villages along the A40 corridor, will increase the risk to road users, including non-motorised users. The commentary records that 30mph limit notwithstanding, it is not uncommon for motorists to overtake within the speed restricted area, causing risk to those seeking to cross the carriageway. Requests are made for the enhancement of pedestrian crossing facilities within the village.

- 6.10 In respect of the perceived increase in vehicular traffic passing through Weston-under-Penyard (and thus other villages on the A40 corridor), the modelling undertaken suggests the following:
- On the A40 through Western under Penyard, Model Farm [when fully developed] will generate 25 two-way trips in the AM Peak Hour and 21 two-way trips in the PM peak hour. This equates to less than one vehicle every two minutes during these peaks times;
  - On a typical weekday, Model Farm will result in a 2.3% increase in traffic flow on the A40 through Western under Penyard (equating to 210 two-way development trips); and
  - A ghost-island arrangement is proposed for the site access junction to protect vehicles queuing to turn right into the site. A capacity assessment has been undertaken for the proposed site access and a mean maximum queue of one vehicle is forecast in both peak hours.
- 6.11 The conclusion is that the development cannot be said to have residual cumulative impacts that are severe in highway terms.
- 6.12 However, as Members may recall, Weston-under-Penyard has a made NDP and two large-scale housing commitments are recognised within it. Adopted NDP Policy HS1 refers to land east of Penyard Gardens. This site has the benefit of outline planning permission for the erection of up to 35 dwellings (ref: 150888) and an application for approval of the Reserved Matters is currently under consideration. In any event the legal agreement appended to the outline permission requires the payment of a “Transport Contribution” towards a range of transport facilities. These include traffic calming and traffic management measures in the locality, new pedestrian and cyclist crossing facilities, creation of new footpaths and cycleways in the locality and enhancement in the usability of existing footpaths and cycleways in the locality/public initiatives to promote sustainable modes of transport. For the Penyard Gardens site the total transport contribution will be £75,691.00 (index linking to be applied).
- 6.13 Allied to the contribution is a planning condition attached to the same outline permission requiring the extension of the 30mph limit to a point beyond the proposed site entrance.
- 6.14 Payment of the transport contribution is required prior to the occupation of the 12<sup>th</sup> open market unit on the site.
- 6.15 Similar provision is made in the outline planning permission for the erection of 37 dwellings (ref: 143842) on land opposite and to the E of Hunsdon Manor. However, no RM submission has been received pursuant to the outline planning permission and it is thus less clear as to the expectation around the transport contribution in that case being realised; a RM submission must be made before 14 December 2018 if the outline permission isn’t to expire.
- 6.16 It can be seen, however, that the large-scale housing commitments within the village make requisite contributions towards traffic calming and the improvement of sustainable transport infrastructure, to include a crossing of the A40 within the village. The detail of the schemes to be delivered will, of course, be decided in consultation with parishioners. It is my view that the timing of such improvements are likely to coincide with the development at Model Farm. Of course one can’t be certain and the delivery of the housing sites is outwith the Model Farm applicants control, but the Penyard Gardens site has been acquired by a house-builder and the RM submission is well advanced. I don’t think it unrealistic to suppose that the payment of the transport contribution for that site would be paid and the improvement work executed in advance of significant development at Model Farm. I base this opinion on two points:-
- i) Welsh Water is seeking to impose a condition requiring there be no beneficial occupation of the Model Farm site prior to 31<sup>st</sup> March 2020 (unless an upgrade is undertaken beforehand); &
  - ii) The development of Model Farm is likely to be phased (and in any event given i) above, operational no earlier than the summer of 2020; and even then at levels well below full occupation.

- 6.17 Taking all of the above into account, I am of the view that the proposal is acceptable in highway terms. The access strategy is appropriate for all modes of transport and Highways England has no objection subject to conditions. Improvements to be undertaken in conjunction with the two housing sites in Weston-under-Penyard (with emphasis on the Penyard Gardens site, which is the more advanced of the two), will provide the pedestrian crossing of the A40 within the village, which addresses the concerns of Weston-under-Penyard Parish Council and local residents.
- 6.18 The scheme complies with CS Policy MT1 and is not in conflict with the Weston-under-Penyard NDP.

### Impact on landscape character and visual amenity

- 6.19 The application site is on the SE edge of Ross-on-Wye. It is not subject of any landscape designation. The Wye Valley AONB, which encompasses much of Ross town centre, lies off to the west.
- 6.20 The application is accompanied by detailed landscaping proposals. The main thrust and primary function of the landscaping proposals is to provide a buffer between the employment uses on the site and the residential areas of Parsons Croft and The Glebe to the west. This is demonstrated via the landscape framework plan below.



- 6.21 Area A (yellow) is retained as grazing land and SuDs with native species tree planting and no public accessibility. Area B (green) is the publicly accessible high quality landscaped area through which the pedestrian/cycleways pass. It also encompasses planting along the main estate road. Area C (orange) is structural planting to the periphery of the indicative development areas shown in grey.

- 6.22 As existing, the site is dominated by improved grassland and the buffer is intended to retain this open character whilst enhancing bio-diversity. Planting strips around the six development areas have the combined effect of defining the individual plots whilst providing a transition from the open character of the surrounding area to the built form. The establishment of a buffer also accords with the approach outlined in the original Model Farm Supplementary Planning Document.
- 6.23 The road frontage within Area B (green) will be dominated by an area of orchard planting. The new pedestrian and cycle links pass through this area and it will also be available for public use more generally. It will provide an attractive setting for the development. The recommendation includes conditions requiring the submission of details in respect of planting and in draft condition 3 it is a requirement of the developer to confirm when the landscaping will be delivered. It would not, in my view, be realistic or proportionate to expect the first phase of development to undertake all of the landscaping work.
- 6.24 The Landscape Character and Visual Assessment submitted with the application takes the Council's Landscape Character Assessment as a point of reference and the landscape proposals are considered to be a reflection of the landscape type. Existing features, including two specimen oak trees, are retained where possible, but the scheme also mitigates the loss of existing hedgerows through their replacement. There will in any event be a significant net addition of trees by comparison to the existing situation. Whilst Natural England refer to NPPF paragraph 115, this relates that great weight should go to the conservation of landscape and scenic beauty *in* AONB's; which this site is not. In any event, with the landscaping proposed, the landscape officer is content that the scheme is appropriate to the landscape context and consideration will be given to appearance, scale and detailed layout at the Reserved Matters stage.
- 6.25 The pond that is to be retained, and the attenuation basins within the landscaped area also represent an opportunity for biodiversity enhancement and it is considered that the proposals accord with Policies LD1, LD2 and LD3 of the CS.

### **Other matters**

#### **Drainage & Flood Risk**

- 6.26 The FRA identifies all relevant hydrology issues relating to the site. The presence of the Secondary Aquifer and the fact that the site is located within a groundwater protection zone are acknowledged by it and are directly referenced in the consultation response made by the Environment Agency. They are satisfied that the proposal will not cause harm to these, subject to the imposition of conditions as recommended below.
- 6.27 The site is located within a Flood Zone 1 and therefore is not prone to fluvial flooding. However, in accordance with the requirements of the NPPF and its technical guidance, schemes must consider the implications of all types of potential flood risk and accordingly the FRA addresses the implications of surface water flood risk. It proposes the implementation of a Sustainable Urban Drainage (SUDs) scheme on the site. The land is to be divided into two catchments; the northern area adjacent to the former railway line and the southern area adjacent to the A40.
- 6.28 Runoff from these catchments will be directed into attenuation ponds with eventual discharge to an existing watercourse. The FRA advises that the discharge from the outfall will be less than the greenfield runoff rate.



- 6.29 Comments are made in respect of the ability to cross third-party land (if required) with the foul sewer connection to the Welsh Water mains. However, this is not an issue as the applicant has provided evidence to suggest that the requisite land is in the Council's ownership. Even if it was not the case, the statutory undertaker could requisition such a sewer. In any event, this provides confirmation that connection to the mains foul sewer is proposed, which addresses the Natural England comments at 4.3 above.
- 6.30 In the event that development comes forward in phases, the recommended conditions are worded such that each phase (or part thereof) will be required to demonstrate a satisfactory means of foul and surface water drainage. In practice the applicants will likely install some of the infrastructure in order that the development areas themselves are, in effect, serviced.

## **7. The Planning Balance**

- 7.1 S38 (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."
- 7.2 In this instance the Development Plan for the area comprises the Herefordshire Local Plan – Core Strategy 2011-2031 (CS). Earlier sections of this report confirm that the development of up to 10ha of employment land at Model Farm is wholly consistent with the development plan.
- 7.3 The intent behind the development is to help provide greater employment opportunities for the residents of Ross-on-Wye and diversify and expand the local economy. This is in accord with a number of the Core Strategy's strategic objectives.
- 7.4 In my view the development responds positively to the economic and social dimensions of sustainable development.
- 7.5 In environmental terms, the site is not designated for any landscape or ecological designations and is accompanied by a detailed landscaping design that is appropriate to the character of the landscape and will assist in assimilating the future development into the local context.
- 7.6 As discussed above, a range of off-site highway measures are proposed and will be delivered in accordance with the phasing plan, the detail of which will be reserved by and agreed pursuant to a condition. Contributions via S106 agreements relating to two housing schemes at Weston-under-Penyard will also enable the delivery of traffic calming measures to mitigate ongoing concerns as expressed by the Parish Council and local residents.
- 7.7 In view of the likely phasing of the Reserved Matters submissions, the time limit for submission of future Reserved Matters is extended to 8 years. This approach has been adopted at other large-scale employment sites, including Moreton Business Park.
- 7.8 Overall I am content that the scheme is representative of sustainable development and should be recommended for approval accordingly.

## RECOMMENDATION

That officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any further conditions considered necessary by officers named in the scheme of delegation to officers:-

1. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of eight years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun either before the expiration of eight years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Prior to or concurrently with the submission of the first of the reserved matters application(s), a Site Wide Phasing Plan shall be submitted to the local planning authority for approval. The Phasing Plan shall include the sequence of providing the following elements for each identified phase or part thereof:

- a) Development Parcels and Associated Access Off the Internal Spine Road
- b) Foul Surface Water Features and Sustainable Urban Drainage
- c) Landscaping as per the Approved Drawings
- d) Other Environmental Mitigation Measures

No development shall commence apart from works agreed in writing with the LPA until such time as the phasing plan has been approved in writing by the LPA. The development shall be carried out in accordance with the approved phasing contained within the Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development is undertaken in conjunction with the requisite mitigation and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy.

4. No development within a phase (or part thereof) shall commence until approval of the details of the layout, scale and appearance relating to that phase (hereinafter called “the reserved matters”) has been obtained from the local planning authority in writing and carried out as approved.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy.

5. The development hereby approved shall be limited to the following combined gross external floor areas for Class B uses as defined by the Town and Country Planning (use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification:

- B1 – 16,500 square metres gross floor area
- B2 – 8,900 square metres gross floor area
- B8 – 4,000 square metres gross floor area

Reason: To define the terms of the permission in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy.

6. No future phase of the development shall commence until a detailed scheme of landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

**Soft landscaping**

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas.
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

**Hard landscaping**

- a) Existing and proposed finished levels or contours
- b) The position, design and materials of all site enclosures (e.g. fences, walls)
- c) Car parking layout and other vehicular and pedestrian areas
- d) Hard surfacing materials
- e) Minor structures (e.g. street furniture, lighting, refuse areas, signs etc.)

**Reason:** In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy.

7. The soft landscaping scheme approved for each phase under condition 6 shall be carried out concurrently with the works to provide vehicular and pedestrian access to that phase of the development and shall be completed no later than the first planting season following the completion of that phase of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall also be completed upon the completion of the works to provide vehicular and pedestrian access.

**Reason:** In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

**Reason:** Reason: In order to maintain the visual amenities of the area and to conform to Policy LD1 of the Herefordshire Local Plan – Core Strategy.

9. The visibility splays of 4.5m x 215m as per drawing CH-051 (Appendix G of the Transport Assessment) shall be provided from a point 0.6 meters above ground level at the centre of

the access to the application site. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above. Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy.

10. As part of the Site Wide Phasing Plan (condition 3) details of works required at Overross Roundabout shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details in relation to the point at which improvement works are required and work shall be completed in advance of the relevant phase of development or otherwise in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure sufficient capacity on the highway network so as to conform to Policy MT1 of the Herefordshire Local Plan – Core Strategy.

11. Before any other works hereby approved are commenced, the construction of the vehicular access from the A40 shall be carried out in accordance with approved drawing CH-050 (attached as Appendix H of the TA) at a gradient not steeper than 1 in 12. This shall include the provision of the ghost right turning lane on the A40 westbound approach, which shall be completed prior to the first occupation of the development.

Reason: In the interest of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy.

12. The Reserved Matters submission for each phase or part thereof shall be accompanied by details demonstrating that an area has been properly laid out, consolidated, surfaced and drained and the spaces demarked on the ground within the application site for the parking of cars and the loading and unloading of commercial vehicles and for all vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to confirm to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy.

13. The sustainable transport measures as shown on approved plans CH-050 Proposed Junction Works and CH051 A40 bus stops and pedestrian crossing and the pedestrian/cycle ways, shall be constructed in accordance with a timetable to be agreed in writing with the local planning authority. The sustainable transport measures comprise:-

- Eastbound and Westbound Bus Stops on the A40 – Drawing CH-051
- Controlled Pedestrian Crossing of the A40 – Drawing CH-051
- Shared Footway/Cycleway Across the Site Frontage; &
- Shared Footway/Cycleways within the Application Site.

Reason: To ensure an adequate and acceptable means of access is available in accordance with a timetable to be agreed with the local planning authority so as to confirm to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy.

14. The Reserved Matters submission for each phase or part thereof shall be accompanied by details demonstrating secure and covered on site cycle parking for employees and visitors. These areas shall thereafter be retained and kept available for those uses at all times.

**Reason:** To minimise the likelihood of indiscriminate parking in the interests of highway safety and to confirm to the requirements of Policy MT1 of the Herefordshire Local Plan – Core Strategy.

- 15.** A full workplace Travel Plan will be submitted to and agreed in writing by the Local Planning Authority in consultation with Highways England prior to the occupation of each phase of the development. This shall contain details of actions to be taken to encourage the use of sustainable transport alternatives to private car, targets for mode shift and timescales for their implementation. The actions detailed shall then be implemented and monitored in accordance with the Travel Plan.

**Reason:** To ensure the safe and free flow of traffic on the A40, A449 and M50 Motorway and that the A40, A449 and M50 Motorway continues to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and to ensure that sustainable travel choices are available for occupants of the site.

- 16.** No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority for the A40 and A449 trunk roads and the M50 motorway. The CTMP shall provide details of the access routes to the site to be used by construction traffic. The approved CTMP shall be adhered to throughout the construction period.

**Reason:** To ensure that the safety and efficient operation of the strategic road network is not compromised during the construction period.

- 17.** No phase of the development shall commence until full details of all external lighting to be installed for each phase have been submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

**Reason:** In order to control the means of external illumination in the interests of protecting bio-diversity so as to comply with Policy LD2 of the Herefordshire Local Plan – Core Strategy.

- 18.** No phase of development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) A 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.
- b) If the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.
- c) If the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

**Reason:** In the interests of human health.

- 19. The Remediation Scheme, as approved pursuant to condition no. (18) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

**Reason: In the interests of human health.**

- 20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason: In the interests of human health.**

- 21. No buildings on the application site shall be brought into beneficial use earlier than 31st March 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.**

- 22. No phase of development shall be occupied until a drainage scheme for the related phase 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.**

- 23. Prior to the commencement of the development hereby approved a detailed survey of the existing culvert under the former railway embankment shall be completed. The survey should establish whether the culvert is blocked or damaged and that it has sufficient capacity to accommodate the outflows from the proposed attenuation ponds. The report shall be submitted to and approved in writing by the local planning authority. If the report concludes that the culvert has insufficient capacity the report should also recommend a range of measures to be implemented to ensure that sufficient capacity is available. The development shall not be occupied until the measures identified have, if required, been completed.**

**Reason: To ensure satisfactory arrangements are in place for the attenuation and managed discharge of surface water run-off so as to ensure that the development does not exacerbate the potential for flooding downstream, so as to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy 2011-2031.**

- 24. The recommendations for species and habitat enhancements set out in the ecologist's report from ARUP dated September 2017 should be followed unless otherwise agreed in**

writing by the local planning authority. A working method statement for all protected species present, together with a 10 year ecological management plan integrated with the landscape plan should be submitted to the local planning authority in writing with each of the Reserved Matters submissions pursuant to this outline planning permission. The plan shall be implemented as approved.

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

**25. In this condition 'retained tree/hedgerow' means an existing tree/hedgerow that is to be retained in accordance with the approved plans and particulars.**

With the exception of the formation of the means of access hereby approved no development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees/hedgerows must include:-

- a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837:2012 – Trees in Relation to Design, Demolition and Construction Recommendations, shown on the site layout drawing and approved by the Local Planning Authority.
- b) Temporary protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.
- c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.
- d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.
- e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

Reason: To safeguard the amenity of the area and to ensure that the development conforms to Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy. The commencement of development in advance of these measures may cause irreparable damage to features of acknowledged amenity value

**26. List of approved drawings**

#### **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. I45 HN05 Works within the Highway**
- 3. I05 HN10 No Drainage to Discharge to Highway**
- 4. I38 N19 Avoidance of Doubt - Approved Plans**

Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.



