

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>13 OCTOBER 2020</b>
<b>TITLE OF REPORT:</b>	<b>201134 - OUTLINE PLANNING PERMISSION FOR 16 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AT LAND AT MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL</b>  <b>For: Ms E Wordsworth per Mr Nicholas Beddoe, York House, Blackbrook Business Park, Taunton, TA1 2PX</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201134&amp;search-term=201134">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201134&amp;search-term=201134</a>
<b>Reason Application submitted to Committee – Redirection</b>	

**Date Received: 7 April 2020**

**Ward: Ross East**

**Grid Ref: 360120,223695**

**Expiry Date: 24 July 2020**

Local Member: Councillor Paul Symonds

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

- 1.1 The site is located within an established residential area of Ross on Wye featuring a dwelling and its associated large curtilage totalling approximately 0.9ha. The site is, as is much of Ross on Wye, within the Wye Valley AONB. No heritage designations are on the site, however it is adjacent to a Conservation Area and unregistered historic park and garden. The existing dwelling, which is retained, is not considered to have any local heritage value.
- 1.2 The site is in, by Herefordshire standards, a highly sustainable location with employment, community and social facilities all within walking and cycling distance and the town centre equally accessible without use of a private motor vehicle.
- 1.3 The site comprises a paddock associated with no. 29 Merrivale Lane, a vacant bungalow, and is completely enclosed by chain link fencing, hedges and vegetation. There are no public rights of way across or within the site and the site is not publicly accessible. There is a public right of way adjoining the southern boundary, but this does not afford access on to the site. The site slopes gently to the east down towards Merrivale Lane.
- 1.4 The proposal is an outline application for 16 dwellings comprising 6 no. affordable units of which 3 no. are 2 bed and 3 no. are 3 bed units, and of the ten open market units, 3 no. 2 bed, 6 no. 3 bed and 1 no. 4 plus bed units with all matters reserved except access.

1.5 In addition to the application form, the application is supported by the following:

- Planning Statement dated March 2020 by Savills
- Drawing titled:
  - Site Location Plan, 1761 0100 Rev. C
  - Existing Site Layout, 1761 0901 Rev. B
  - Initial Proposed Site Layout, 455652/001 Rev. A
  - Indicative 3D Site Massing, 1761 0702 Rev. A
  - Site Development Diagrams, 1761 0202 Rev. A
  - Indicative Site Sections, 1761 0301 Rev. B
  - Indicative CGI View North, 1761 0701 Rev. B
- Preliminary Ecological Appraisal and separate Bat Roost Inspection Survey, both dated April 2018 by Keystone
- Phase 1 Habitat Survey Update dated 6 August 2020
- Flood Risk Assessment and Drainage Strategy by RMA Environmental dated 13 March 2020
- Utilities Map/ Plan
- Utilities Appraisal by RMA Environmental dated 19 October 2018
- Transport Statement by Simpson dated March 2020

1.6 For emphasis and clarity Members are reminded the application is an outline application with all matters reserved except access, the definitions of the components of reserved matters are as follows –

**Access:** *Access means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;*

**Layout:** *Means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;*

**Scale:** *Except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;*

**Appearance:** *Means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;*

**Landscaping:** *In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes:*

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and*
- (e) the provision of other amenity features.*

## **2. Policies**

### **2.1 Herefordshire Core Strategy**

SS1	-	Presumption in Favour of Sustainable development	SS2 – Delivering new homes
SS3	-	Releasing land for Residential Development	
SS4	-	Movement and Transportation	
SS6	-	Environmental Quality and Local Distinctiveness	
SS7	-	Addressing Climate Change	
RW1	-	Development in Ross on Wye	
H1	-	Affordable Housing – Thresholds and Targets	
H3	-	Ensuring an Appropriate Range and Mix of Housing	
OS1	-	Requirement for Open Space, Sport and Recreation	
OS2	-	Meeting Open Space, Sport and Recreation Needs	
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel	
LD1	-	Landscape and Townscape	
LD2	-	Biodiversity and Geodiversity	
LD3	-	Green Infrastructure	
LD4	-	Historic Environment and Heritage Assets	
SD1	-	Sustainable Design and Energy Efficiency	
SD3	-	Sustainable Water Management and Water Resources	
SD4	-	Waste Water Treatment and River Water Quality	

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

### **2.2 Neighbourhood Development Plan**

The Ross-on-Wye Neighbourhood Development Plan was sent for examination on 14 October 2019, the examiner's report was received 30 January 2020 and Referendum was to be held on 2 April 2020. This has been postponed due to Covid19. However as set out in Paragraph 48 of the NPPF significant weight can be given to its policies.

The NDP and its relevant documents such as Examiners' Report and progress timeline can be viewed using the following link:-

<https://www.herefordshire.gov.uk/sitesearch?q=Ross+neighbourhood+plan>

Emerging NDP policies relevant to the application are considered to be –

Policy EN1: Ross Design Policy

Policy EN3: Settlement Boundary

Policy A2: Walking and Cycling

Policy A4: Provision of Electric Charging Points

### **2.3 National Planning Policy Framework – NPPF**

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

- Chapter 2. Achieving sustainable development
- Chapter 5. Delivering a sufficient supply of homes

- Chapter 6. Building a strong, competitive economy
- Chapter 8 promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

## 2.4 Other Relevant Documents

Regard has also been had to the following documents –

- Wye Valley AONB Management Plan, which has statutory weight and forms part of the Local Plan
- Herefordshire Council's Landscape Character Assessment

## 3. Planning History

- 3.1 184150 – Outline planning permission for 10 dwellings with all matters reserved except access – Withdrawn.

The viability of the site was reviewed at the applicants request and cost by the District Valuer under application reference 184150. Upon the viability of the site to be developed for a higher quantum of development and provide affordable housing as part of an increased number of dwellings being proven, the application was withdrawn and following further discussions the application now before Members was submitted.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 **Environment Agency** has no objection to the proposed development and would offer the following comments for your consideration at this time.

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

The site is located within Source Protection Zone 1 (inner protection zone) for a public supply borehole. Please refer to The Environment Agency's Groundwater Protection Position Statements for further guidance, particularly with regard to SPZ1.

<https://www.gov.uk/government/publications/groundwater-protection-position-statements>

The discharge of clean roof water to ground is acceptable both within and outside SPZ1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge.

Soakaways should only be used in areas on site where they would not present a risk to groundwater. Developers should incorporate pollution prevention measures to protect ground and surface water.

- 4.2 **Herefordshire & Worcestershire Clinical Commissioning Group** comments *The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development.* The development could generate an additional 38 residents and subsequently

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

increase demand upon existing constrained services. The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

A developer contribution will be required to mitigate the impact of this proposal. Herefordshire & Worcestershire CCG calculates the level of contribution required in this instance to be £6,000. Payment should be made available before the development commences. Herefordshire & Worcestershire CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Assuming the above is considered in conjunction with the current application process, Herefordshire & Worcestershire CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

- 4.3 **Welsh Water** comments: We have reviewed the information submitted as part of this application with particular focus on the Flood risk Assessment and Drainage Strategy ref RMA-C1894 which provides high level principles for both foul and surface water. We have no objection to a foul water connection to the public sewer however encourage further investigations on the surface water to utilise sustainable drainage features or to drain to an existing watercourse. Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

#### Conditions

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.

#### Internal Council Consultations

- 4.4 **Transportation Manager** has no objection and comments: The submitted site plan has included a number additions highlighted previously. Further changes need to be provided as part of the reserve matters stage is to provide a footway which meets HC standard around the radius of the kerb line adjacent to plot 12.

The changes around the PROW and other highways works will be covered by condition.

CAB	-	Visibility Splays 2.4 x 43
CAE	-	Vehicular access construction
CAH	-	Driveway gradient
CAI	-	Parking – single/shared private drives
CAP	-	Highways Improvement/off site works
CAQ	-	On site roads - Submission of Details
CAR	-	On site roads – phasing
CAT	-	Construction Management Plan
CAX	-	Direction of proposed lighting
CB2	-	Secure covered cycle parking provision

4.5 **Principal Natural Environment Officer (Landscape)** comments: This is a desk based response. As stated in the previous application (184150) there is no landscape objection to the principal of residential development on this site, where the surrounding context is residential. If the application is to be approved then a condition should be added for a landscape scheme to be provided, including a survey and protection of existing boundary trees and hedgerows, together with proposed planting details and hard landscape details (surfaces, boundaries and other external structures). In reviewing the sketch layouts provided for guidance with this application the layout is unlikely to be acceptable. The following comments are offered:

- Existing and proposed levels are required and an evaluation of how the built form could better work with the existing slope. The planning statement includes that the larger properties are at the top of the hill, but these would be visually prominent and out of context with the adjoining bungalows on Princess Way and the existing site bungalow.
- The SUDs pond requires reviewing and enhancing. As previously stated it would be better integrated into a public open space, with additional biodiversity enhancement, making a positive contribution as an attractive site feature, rather than an engineered rectangle stuck in the corner of the site at the back of one house.
- The roadside boundary to Merrivale Lane will need careful consideration to create a new positive streetscene.
- The centre of the site is dominated by a large, blank area of hard surfacing (for the drop off bay, maintenance access, driveways for units 7 & 8 and car park) – this should be laid out as efficiently as possible to reduce hard surface, increasing soft landscape and reducing runoff.
- Units 8 – 12 do not sit comfortably stepping up the hillside and could benefit from a more organic layout that is interspersed with planting.
- For areas of public open space the intended use and layout should be clear and the long term management and maintenance set out.

4.6 **Principal Natural Environment Officer (Trees)** comments I have carried out a desk top survey, viewed the drawings and have the following comments regarding the outline planning application for 16 dwellings –

The indicative plan indicates that trees currently present will be retained. The Populus spp which jut into the middle of the site are the dominant trees and it's appreciated that they are to be retained. Elsewhere the site has a collection of trees of varying species and ages located on boundaries.

I don't feel that there are any contentious issues with this application and don't see a need for arboreal reports prior to reserved matters. However on account of potential development there will be a need for a tree report and soft landscaping plan at the reserved matters stage.

The tree report should be written using the guidance provided by BS5837:2012 Trees in relation to Design, Demolition and Construction. It shall contain:

- Tree survey
- Tree constraints plan
- Arboricultural Impact Assessment
- Tree Protection Plan

The Soft Landscape Plan shall consist of:

- Quantity
- Size
- Species
- Position or density of all trees to be planted
- Management Plans.

- 4.7 **Principal Natural Environment Officer (Ecology)** comments on receipt of further requested details: Thank you for the updated ecological walkover assessment (Keystone Ecology, dated August 2020), confirming conditions on the application site are as per the original ecological survey report (Keystone Ecology, dated April 2018), and there are no changes to the recommendations regarding site ecology.

As per my original comments, alongside conditioning the recommendations included with the bat survey reports and ecology report (Keystone Ecology 2018), the following items have been conditioned: an Ecological Working Method Statement (EWMS), Tree and Hedgerow Protection plan, and Biodiversity Enhancement Plan.

The recommendations from the ecology assessment emphasise the need for all vegetation clearance works to be supervised by an ecologist, should great crested newts or reptiles be found beneath suitable terrestrial refuges. Therefore prior to any works commencing, an Ecological Working Method Statement (EWMS) should be conditioned.

*Bat surveys:* The existing building on the site were surveyed in June 2018, and found not to support any roosting bats, although bat foraging and commuting, particularly on the western site boundary, was noted. It is likely that the trees and open grassland form important bat foraging and commuting habitat in the local area. Maintaining dark corridors along all boundaries (in particular the western boundary) and hedgerow links connecting this site to the local area should be maintained. No external lighting should illuminate any of the enhancements or boundary features and all lighting on the development should support the Dark Skies initiative.

*Tree and hedgerow protection:* It is proposed that the existing dwelling and mature trees will be retained within the development layout. All trees and hedgerows should be protected by appropriate Root Protection Zones, in accordance with BS5387: 2012 Trees in Relation to Construction.

Where appropriate, gapping up existing of hedgerows to enhance the existing onsite habitats should form part of the landscape management plan. All trees and shrubs used in the planting scheme should be locally characteristic, native species taking climate change and pest-pathogen resistance in to consideration. This planting/landscaping scheme should be supplied for approval as part of this application.

As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they will enhance the local biodiversity (biodiversity net gain). A detailed biodiversity enhancement plan is requested, to include provision of bat roost features (eg. roof tiles, wall mounted or built-in roost boxes), and bird boxes, hedgehog homes and insect hotels.

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

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as ‘likely significant adverse effects’. The applicant has indicated in their application that foul water will discharge to mains sewer and surface water will outfall to SuDs (on site soakaway and attenuation feature). Subject to this mitigation being secured through a relevant condition a conclusion of ‘NO Likely Significant Effect’ has been returned by this LPA.

#### Condition Eco-04 – Nature Conservation – Ecology Protection and Mitigation

The ecological protection, mitigation, compensation and working methods scheme, as recommended in the reports by Keystone Ecology, including ecological assessment report (Keystone Ecology, dated April 2018), and bat survey reports, (Keystone Ecology Bat Roost Inspection Report, dated April 2018) and Keystone Ecology Bat Roost Characterisation Report,

dated June 2018) shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

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

#### Condition Eco 12 – Nature Conservation Ecological Working Methods

Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the planning authority. The EWMS should consider all relevant species but in particular consideration for great crested newt, reptiles and badgers. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the planning authority.

*To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)*

#### Eco Condition - Nature Conservation -Tree & Hedgerow Protection

Prior to commencement of any site preparation or construction a retained tree and hedgerow protection scheme, based on BS5837:2012 shall be erected and hereafter maintained until all works have finished and spare materials and all equipment have been removed from site.

*Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.*

Informative: For hedgerows the protection buffer should not be less than 2m from the woody stem of any hedgerow shrub or tree. No lengths of hedgerow or trees should be cut or removed during the bird nesting season (March-August inclusive) without a thorough check by a qualified ecologist no more than 48 hours prior work commencing. At all other times the applicant should be aware that any disturbance or damage to nesting birds and protected species is a criminal offence under wildlife legislation.

#### Condition Eco 11 – Nature Conservation Biodiversity Enhancement Plan (Net Gain)

Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features, such as hedgerow enhancement and attenuation pond shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

*Informative: Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. Habitat enhancement could include wildlife friendly SuDS, tree and shrub planting (usually locally characteristic or directly associated cultivars of native species), wildflower meadows and Traditional ('standard') Orchards. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.*



#### Condition – Mains Sewer and Surface Water to Sustainable Urban Drainage

All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through an SuDs system (onsite soakaways and attenuation feature) within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

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

4.8 **Principal Building Conservation Officer** comments: *Having looked through the documents provided, my initial thoughts are as follows:*

- The site is within an established residential area, and although currently undeveloped, on simply planning terms I can't see any over-riding argument why this is not suitable for some residential development
- With regard to any heritage impact, the site borders the Ross on Wye Conservation Area, but the nearest listed buildings are in Alton Street and are not visually linked to the site, so any development here will not impact on their setting
- There is potential for some below ground archaeology so if minded to support the proposal, a site evaluation needs to be carried out to support the application
- In terms of design, the most important area of the site will be that which borders onto Merivale Lane, so the houses in this location will require particularly careful detailing, but I would still expect the design of all the houses to be site specific, to reflect the prevailing character of the area in terms of scale, massing and materials, but to be of contemporary design.

4.9 **Archaeology Advisor** comments: *Having assessed the archaeological potential of the site, I am of the view that the interest is very limited.* Accordingly I have no objections, and no further comments to make.

4.10 **Environmental Health Service Manager (Noise / Nuisance)** comments with regard to potential noise and nuisance issues that might arise from development, From this perspective please be advised that we have no objections on noise and nuisance grounds to this proposal.

At any reserved matters application, please advise the application that we would expect a condition requiring a Construction Environmental Management Plan prior to the commencement of the development. This is to safeguard the amenity of neighbouring residential premises.

4.11 **Public Rights of Way Manager** Comments. The proposed development would not appear to obstruct public footpath ZK26. Any proposed hedges/shrubs etc along the boundary with the right of way must be kept well maintained by the occupiers to ensure they do not encroach onto the footpath.

4.12 The **Land Drainage Engineer** comments. The Applicant stated that two alternative options for surface water drainage strategy are considered – subject to the results of soil infiltration testing. The considered options are as follow:

- If infiltration is found to be feasible – roof runoff will be discharged to the ground via individual soakaways within private garden areas. Driveways, parking areas and the road could drain to the attenuation basin with eventual discharge to the watercourse or public combined sewer at a discharge rate of 2l/s. The Applicant also stated that the driveways and parking areas cover an area less than the roof areas (i.e. 760m<sup>2</sup> compared to 1200m<sup>2</sup> respectively) and therefore the attenuation basin would not need to be increased in sized compared to that currently shown, given that in this scenario roof runoff could utilise individual soakaways instead.

- If infiltration is found to be not feasible – driveways and parking areas could be constructed of permeable paving with a sub-base and impermeable lining. The sub-base would provide the appropriate attenuation for these areas and would have a controlled discharge to the attenuation basin, which in turn (together with the runoff from roofs and road) would discharge to the watercourse or the public combined sewer, with a discharge rate limited to 2l/s. Alternatively, the attenuation basin could be increased in size to accommodate the additional runoff from the driveways and car parking areas, which could be achieved if desired, given that the application is for outline permission and the layout (or the final impermeable area) is yet to be fixed.

The submitted statement provides satisfactory information on alternative surface water drainage strategy options.

### Overall Comment

We have no objection to the proposed development on the flood risk and drainage grounds. As advised in our previous response, it is recommended that the following information is submitted as part of a reserved matters application:

- Confirmed method of surface water disposal with detailed drawings of the proposed design that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features
- Detailed drawings of the surface water and foul water drainage strategies
- Detailed drawings of proposed features such as infiltration structures and attenuation features
- Results of infiltration testing in accordance with BRE365, undertaken at appropriate locations/depths
- Details of how surface water runoff from hard paved and vehicular surfaces will be prevented from entering the roof water attenuation basin
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event. FEH 2013 rainfall data is expected
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH 2013 rainfall data is expected
- Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing. FEH 2013 rainfall data is expected
- Revised greenfield calculations for the intended non permeable area, using FEH methods and 2013 rainfall data
- Proposed discharge rates for the 1 in 1 year, Qbar, 1 in 30 year and 1 in 100 + CC events using FEH 2013 rainfall data, and demonstration of how runoff rates and volumes during smaller rainfall events have been reduced as far as practicable
- Confirmation that discharge to a public sewer has been agreed with the relevant sewerage authority
- Confirmation of maintenance arrangements for all drainage features.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, we highlight that discharge to a watercourse should be sought in the first instance. 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.

#### 4.13 **Open Spaces Officer** comments:

##### Open Space Requirements

*Relevant Policies:* Residential development is required to provide open space in accordance with the following national and local planning policies and evidence bases.

##### *National Planning Policy Framework (NPPF):*

- Paragraph 96: Open Space and Recreation: provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need

##### *Core Strategy(CS)*

- OS1: Requirements for Open Space, Sports and Recreation Facilities
- OS2: Meeting Open Space and Recreation Needs

##### Evidence Base and Standards (off site)

##### *Children's Play:*

- Herefordshire Play Facilities Study and Investment Plan 2014
  - These recommends where future investment in formal play should be directed to maximise the benefits to the local community

##### *Outdoor Sports:*

- Playing Pitch Assessment 2012 and update 2014, Outdoor Sports Investment Plan 2019.
  - These recommends where future investment in outdoor sport should be directed to maximise the benefits to the local community

##### Off-site Contributions

The site location plan does not indicate any on-site POS or children's play. This is supported as the site is for 16 houses only and any on-site provision would provide little more than visual amenity value and potentially offer little in play or recreational value.

As such the Planning Statement includes details of off-site provision as set out in the Planning Obligations section: s.106 contributions arising from 10 x OMU (3 x 2 bed, 6 x 3 bed and 1 x 4 bed) and in particular:

- Open Space contribution: £14,954
- Outdoor Sports contribution: £10,820

Children's Play Facilities/Open Space contribution: £14,954: The open space contribution accords with the SPD on Planning Obligations for a development of this size and bed space as described above. The contribution is actually secured towards improvements to children's equipped play areas in the vicinity and in particular would be used towards play areas and open space at Dean Hill and Rope Walk, which are both neighbourhood play areas within acceptable thresholds of the development and in accordance with the Play Facilities Investment Plan both require investment.

Outdoor Sports Contribution: £10,820: The Herefordshire Outdoor Sports Investment Plan includes a list of priority projects for cricket, football, hockey rugby, tennis, bowling, cycling and athletics.

- It has been prepared by the Herefordshire Outdoor Sports Partnership including Sport England, National Governing Bodies (NGB) including the Football, Cricket, Hockey and Rugby and the County Sports Partnership.
- It is annually reviewed and provides up to date information on clubs and facilities in accordance with Sport England's requirements to review the Playing Pitch Assessment.
- It provides a list of priority projects for outdoor sports facilities which will address shortfalls in provision (quantity and quality) as identified in the Playing Pitch Assessment and subsequent reviews and as supported by the relevant NGB in both their regional and local facilities development plans.
- Projects are considered to be sustainable in helping to meet the needs of both the existing and future populations (future proofed to 2031)
- The methodology used to assess requirements arising from new development is considered to be CIL compliant.

As part of the annual review in April 2020, the Outdoor Sports Partnership agreed that additional projects for both tennis and hockey should be included in the investment plan for Ross. Details for cricket and in particular facilities at Ross Sports Centre are pending further information from Herefordshire Cricket Board who are currently reviewing their facilities development plan which should be complete later this year and in time for the October partnership meeting.

The inclusion of projects for tennis and hockey will increase the amount per OMU house that is asked for to £1,512 per unit from £1,082. This will need to be ratified by the Planning Obligations Manager. But if agreed for 10 OMU this equates to **£15,120**

The contribution would be used towards one of the following projects which support both existing and future requirements to support the growth of membership in each sport as summarised below:

- Football: Ross Football Club and other local clubs: Ross Sports Centre: improvements to existing grass pitches and additional junior pitches to meet identified deficiency
- Football: Ross Football Club and other local clubs Ross Sports Centre: extend the existing pavilion to accommodate and additional 2 x changing rooms
- Rugby: Ross Rugby Club at Greytrees. 2 x additional changing rooms and new club room
- Tennis: Ross Tennis Club: Upgrade facilities: Phase 1 Floodlights and resurfacing courts 3 and 4, Phase 2 Practice wall and car park, Phase 3: 2 new courts
- Hockey: Ross Hockey Club: upgrade sand based ATP at John Kylre High School

#### 4.14 **Strategic Housing Manager** *is in support of the delivery of 16 dwellings.*

Policy H3 ensures there is an appropriate mix of housing that will contribute to the creation of balanced and inclusive communities by providing housing to meet the needs of all households.

The Herefordshire Local Housing Market Assessment (LHMA) gives an indication of what unit sizes are required for both the open market and affordable housing and should be taken into account when planning a scheme.

The site sits within the HMA of Ross on Wye and the needs data indicates the greatest need is 2 and 3 bedroom accommodation. With that in mind, Strategic Housing is happy to support the proposed mix of mainly 2 and 3 bedroom properties and one 4 bedroom property.

In line with Policy H3, we would look to secure 40% of the site to be affordable housing as stipulated below:

- 3 x 3 bed - low cost market
- 3 x 2 bed - low cost market

- 4.15 **Education** comments. The educational facilities provided for this development site are Early Years, Ashfield Park Primary School, John Kyrle High School and Ross Youth.

Ashfield Park Primary School has a planned admission number of 60. As at the schools spring census 2020:-

- All year groups had spare capacity- no contribution requested

John Kyrle High School has a planned admission number of 210. As at the schools spring census 2020:-

- 4 year groups are at or over capacity- Y7=217, Y8=257, Y9=213, Y11=236

Approximately 1% of the population are affected by special educational needs and as such the Children and Families Directorate will allocate a proportion of the monies for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

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

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

Contribution by No of Bedrooms	Pre-School	Primary	Secondary	Post 16	Youth	SEN	Total
2/3 bedroom house or bungalow	£244	£0	£1,949	£87	£583	£138	£3,001
4+ bedroom house or bungalow	£360	£0	£4,002	£87	£1,148	£247	£5,844

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

- 4.16 The **Planning Obligations Manager** has confirmed the Section 106 requirements to be secured should planning permission be granted. These are set out within paragraph 6.16 of the Report, below.

## 5. Representations

- 5.1 **Ross on Wye Town Council** has no objections providing the proposed conditions are met. The site is allocated for housing within the NDP subject to:

- existing hedgerows being retained and reinforced except where road and footpath access is required or frontage development is proposed
- a detailed arboricultural survey and site specific design considerations, the group of trees around the existing house and the trees in the upper garden are retained
- a desk based archaeological study to be undertaken
- road access to be off Merrivale Lane

- additional pedestrian access to be provided from the path to the north west In addition the comments of the Landscape Officer are supported. The vehicular access arrangements will need close attention to ensure road safety.

5.2 **Twenty letters of objection** have been received, comments are summarised as:

- Impact on and increase in traffic
- Highway safety
- Parking concerns
- Decision should be held until after Referendum on NDP and Town Council can hold public meetings
- Impact on adjoining amenity and privacy
- Loss of open space and green habitat
- Impact on ecology and protected species
- Concern regarding drainage and surface water

5.3 **West Mercia Police** comments they *do not wish to formally object to the proposals at this time*. However there are opportunities to design out crime and/or the fear of crime and to promote community safety. I note that this application does not make any specific reference to Secured by Design scheme or indeed any specific mention of Crime Prevention measures. There is a clear opportunity within the development to achieve the Secured by Design award scheme and by doing so address the Approved Document Q requirements.

5.4 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=201134&search-term=201134](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=201134&search-term=201134)

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

## 6. **Officer's Appraisal**

### *Policy Context and Principle of Development*

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows *"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."* The development plan is the Herefordshire Core Strategy.

6.2 The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty, and sets out responsibilities for their management. Of particular relevance to the proposal are the following sections:

Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty.

Section 84 confirms the powers of local authorities to take appropriate action to conserve and enhance the natural beauty of AONBs.

Section 85 places a duty on all public bodies and statutory undertakers to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

6.3 With regards to heritage, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the*

*Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

## **Herefordshire Core Strategy**

6.4 Policy RW1 – *Development in Ross-on-Wye* sets out objectives specific to the town and where Ross-on-Wye will accommodate a minimum of 900 new homes, balanced with approximately 10 hectares of existing allocated employment land allocation during the plan period, in accordance with the spatial strategy. A strategic housing location will focus a minimum of 200 new homes to the south east of the town. The remaining requirement for homes will be delivered on sites allocated through a Neighbourhood Development Plan. Within Ross-on-Wye, new development proposals will be encouraged where they:

- improve accessibility within Ross-on-Wye by walking, cycling and public transport, particularly where they enhance connectivity with local facilities, the town centre and existing employment areas;
- contribute towards new or improved community facilities and/or allow for infrastructure improvements in the town to promote sustainable development;
- reflect and enhance the characteristic natural and built historic elements of Ross-on-Wye, such as its red sandstone and timber framed Tudor buildings and boundary walls, the medieval plan form, conservation area and natural setting overlooking the River Wye;
- enhance green infrastructure and biodiversity, particularly the Wye Valley Area of Outstanding Natural Beauty and the River Wye; and
- have demonstrated engagement and consultation with the community including the town/parish council.

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

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

Core Strategy policy SS6 describes proposals *should conserve and enhance those environmental assets that contribute towards the county’s distinctiveness, in particular its settlement pattern, landscape, biodiversity and heritage assets and especially those with specific environmental designations.*

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

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



- demonstrate that character of the landscape and townscape has positively influenced the design, scale, nature and site selection, including protection and enhancement of the setting of settlements and designated areas;
- conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including Areas of Outstanding Natural Beauty, through the protection of the area's character and by enabling appropriate uses, design and management

## Neighbourhood Plan

6.5 The Ross-on-Wye Neighbourhood Development Plan was sent for examination on 14 October 2019, the examiner's report was received 30 January 2020 and Referendum was due to be held on 2 April 2020. This has been postponed due to Covid19.

The site is within the proposed settlement boundary of Ross on Wye and forms, with additional land shown below, part of an allocated site for housing development.



The site is subject to Housing Allocation policy 5A.2 titled Merrivale Lane Allocation, which states:

*This site is allocated for housing and the following criteria would apply:*

- *Existing hedgerows to be retained and reinforced except where road and footpath access is required or frontage development is proposed.*
- *Subject to detailed arboricultural survey, and site-specific design considerations, the group of trees around the existing house and the trees in the upper garden to be retained.*
- *A desk-based archaeological study to be undertaken.*
- *Road access to be off Merrivale Lane.*
- *Additional pedestrian access to be provided from the path to the north west.*



## Design

*In line with the NPPF 2019 (para. 127) the design should be “sympathetic to local character and history”. The site is within Character Area 7. Plot sizes and shapes, direct access off the road frontage, the use of front gardens and building heights should therefore be consistent with that of the immediate local area. Proposals should show in particular their response to the Conservation Area context.*

The site could accommodate in the order of 20-25 houses.

Relevant topic based emerging policies include:

Policy EN1 – *Ross Design Policy* states All new development should be of good design and make a positive contribution to the character of Ross. Development should have regard to the Ross-on-Wye Character Assessment Portfolio (2017) and respond to its surroundings in terms of scale, materials, form, details, layout, public realm and historic character.

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

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

The current position of the NDP is:

- a) Referendum, which was to be held on 2 April 2020
- b) The Strategic Planning team as part of the Regulation 16 consultation have confirmed that the plan is in general conformity with the adopted Herefordshire Core Strategy and the National Planning Policy Framework. The Plan has been reviewed by an independent examiner.

At this stage, with regards to para 48 of the NPPF, significant weight can be attributed to the neighbourhood plan policies relevant to the application based upon the above stage the NDP is at.

It is further noted the Examiner's Report endorses the site's allocation for development and only makes minor text changes to the text. Similarly with regards policy EN1 minor text changes are recommended.

## **National Planning Policy Framework**

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

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

Paragraphs 7 and 8 set out and define sustainable development and the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, the social objective requires planning to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Paragraph 11 of the Framework sets out the presumption in favour of sustainable development. For decision-taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies of the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 to Paragraph 11 states this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). The local authority is currently failing to provide a 5 year Housing Land Supply, plus a buffer and as such Paragraph 11 is triggered due to conflict with the relevant requirements of NPPF chapter 5 *Delivering a sufficient supply of homes*.

Where the existence of a five year land supply cannot be demonstrated, there is presumption in favour of granting planning permission for new housing unless the development can be shown to cause demonstrable harm to other factors that outweigh the need for new housing. In reaching a decision upon new housing the housing land supply position will need to be balanced against other factors in the development plan and/or NPPF which could result in the refusal of planning permission. This site is therefore assessed and considered on its suitability as being sustainable in regards its location and material constraints and considerations.

Accordingly, the Council's housing land supply position vis-à-vis the NPPF does not result in the proposal being acceptable when there are both material considerations demonstrating the development should be refused or where, locally, housing supply targets can be demonstrated.

With particular reference to the matter of access, the NPPF sets out how transportation, highways impact and non-vehicular movement should be considered, assessed and supported in paragraphs 108 – 111, stating *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 explicitly states *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*.

NPPF Paragraph 124 states: *The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make*

*development acceptable to communities.* Paragraph 127 outlines Planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies specific to protected landscapes (including AONBs) are detailed at paragraph 172 and states *Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The scale and extent of development within these designated areas should be limited.*

NPPF section 16 sets out the position regarding conserving and enhancing the historic environment. Specific principles and policies relating to the historic environment and heritage assets and development are found in paragraphs 184 – 202.

The NPPF sets out in paragraph 185 that there should be a positive strategy for the conservation of the historic environment and this should take into account of:

- the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraphs 189 – 192 set out what and how LPAs should consider in determining planning applications featuring heritage assets. This includes:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 advises that: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is*

*irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 194 states: *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to substantial harm to (or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

## **Wye Valley AONB Management Plan**

- 6.7 The Wye Valley AONB Management Plan is a material consideration in the assessment of this application. The following policies are particularly applicable:

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

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

## Assessment

### Principle of Development

- 6.8 For planning applications involving the provision of housing; if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, then planning permission should be granted unless;
- a) the application of NPPF policies that protect areas or assets of particular importance provides clear reason for refusing the development proposed, or
  - b) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole.

Herefordshire Council's housing land supply figure, as at April 2020 is a supply of 3.69 years.

The NPPF's presumption in favour of sustainable development does not change the statutory status of the Development Plan (Core Strategy and Neighbourhood Plans) as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including NDPs), permission should not normally be granted. In this instance, the Core Strategy was adopted in 2015 and is in the early stages of undergoing a review and update. The Ross NDP has been examined and the inspector's report has been published, thus it carries significant weight, but is not yet a 'made' plan and therefore does not form part of the development plan.

Core Strategy policies refer to the need to provide 900 new dwellings in Ross up to 2031. Housing is to be delivered as described under Policy RW1 through development of a strategic location at Hildersley with the remainder delivered on sites allocated within a Neighbourhood Development Plan.

The site is denoted as an Allocated Site for residential development and within the proposed settlement boundary of the emerging Ross on Wye Neighbourhood Plan as shown above. The NDP is at Referendum stage. The NDP also contains further site allocations which total delivery of 73 dwellings. Therefore the proposal is considered to be in conformity with the Core Strategy and emerging Ross on Wye NDP.

### Housing Land Supply and Decision Making

- 6.9 NPPF paragraph 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The Council has published its up to date housing land supply position (as of April 2020) and this is confirmed to be 3.69 years. As such the Council does not have an up to date 5 year supply of housing land as required by the NPPF. The Council's Housing Land Supply deficit means paragraph 11 of the National Planning Policy Framework (NPPF) is engaged in the assessment of housing proposals.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. It sets out that, for decision-taking, where the policies which are most important for determining the appeal are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This is commonly referred to as '*tilted balance*' and will form the conclusion of this report

Paragraph 12 is also relevant, stating that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and officers have made a detailed assessment of the proposed development against the policies of the Development Plan – that being the Herefordshire Local Plan – Core Strategy. The Ross on Wye Neighbourhood Development Plan however is ‘only’ a material consideration until its referendum is complete, however as per the NPPF guidance, significant weight is given to its policy based on how far it has progressed.

As such the NDP, like the NPPF is a material consideration. The weight to which is attributed by the decision maker. In this instance, the starting point which is assessment against the local plan, reveals the proposal accords with the Herefordshire Core Strategy and emerging Ross on Wye NDP. As such development should be *approved without delay* unless material considerations indicate otherwise.

If Paragraph 11 of the NPPF was to be triggered as it was considered the proposal did not comply with the Development Plan then the tilted balance would be applied and the harm would have to outweigh the public benefit for development to be refused.

Material and technical considerations are therefore considered below –

### Highways

- 6.10 To enable access to the site it is proposed to create a new priority T-junction onto Merrivale Lane at the point shown below on Figure 4. The junction would incorporate dropped kerbs and tactile paving, and would achieve the appropriate visibility splays of 2.4m x 43m in line with the speed limit on Merrivale Lane.

The indicative site layout demonstrates parking for all dwellings can be provided on site in line with the council guidance. Overall as described above, the Transportation Manager has no objection to the access arrangements of impact on the local network hereabouts and their requested conditions are attached to the Recommendation at the foot of this Report.

It is noted Vehicular access serving the site from Merrivale Lane is required by the emerging NDP and provision of an additional pedestrian link from the site to the adjacent PRoW is also provided. Along with the specific site policy criteria, this also delivers on the aims of NDP Policy A2 which supports the protection and/or enhancement of the Neighbourhood Area’s public rights of way network and meets the requirements of CS policies SS4 and MT1 which seeks to promote active travel, encourage journeys by means other than the private car and provide new or improved existing non car connections.

On this basis and with regard to the Transportation Manager’s comments, the proposal addresses highway safety, has connectivity to local services and facilities so to offer sustainable transport options and no severe impact justifying refusal as set out within NPPF paragraph 109 is assessed to be created with regards additional vehicular movements associated with the proposals.

The proposal complies with CS policies SS4 and MT1, Herefordshire Council’s Highways Design Guide and the relevant aims and objectives of the NPPF.

### Design, Landscape and Amenities

- 6.11 Core Strategy policy SD1 requires that new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development, while making a positive contribution to the architectural diversity and character of the area including, where appropriate, through innovative design and safeguard residential amenity for existing and proposed residents.

As the application is in outline, matters of layout, scale and appearance will be the subject of a future reserved matters application. An indicative layout has been produced as part of this outline application, which demonstrates that the number of dwellings proposed could fit comfortably on

the site and would complement the locality in terms of general layout and density, in accordance with policy SD1 of the Core Strategy and policies of the emerging NDP.

The NDP policy for development of the site as an allocation sets a number of development requirements. The criteria state:

- *Existing hedgerows to be retained and reinforced except where road and footpath access is required or frontage development is proposed.*
- *Subject to detailed arboricultural survey, and site-specific design considerations, the group of trees around the existing house and the trees in the upper garden to be retained.*
- *A desk-based archaeological study to be undertaken.*
- *Road access to be off Merrivale Lane.*
- *Additional pedestrian access to be provided from the path to the north west.*

*Overall the design should be “sympathetic to local character and history”. Plot sizes and shapes, direct access off the road frontage, the use of front gardens and building heights should therefore be consistent with that of the immediate local area. Proposals should show in particular their response to the Conservation Area context.*

With regards the bullet points above, existing trees and hedgerows are protected by condition except those whose removal is necessary to facilitate vehicular and pedestrian access. Vehicular access is to be from Merrivale Lane as required by the NDP and an additional pedestrian link from the site to the adjacent PRow is provided. Along with the specific site policy criteria, this also delivers on the aims of NDP Policy A2 which supports the protection and/or enhancement of the Neighbourhood Area’s public rights of way network.

The further detailed design requirements will be a matter for future Reserved Matters application and compliance with the text above will be required to secure approval of any such application. It is noted however the proposal states existing trees within the site will be retained and the indicative layout supporting the application demonstrates this can be achieved as shown below. The position will also be protected by conditions as recommended by the Council’s Ecologist and Arboriculturalist.



With regards to amenity matters it is clear from the illustrative layout the density of development can be accommodate on site and provide adequate amenity for new residents whilst also, based on intervening distances, topography and landscaping ensure existing amenity is maintained. Detailed dwelling design along with layout and orientation will further ensure adequate amenity is retained and protected. This is a matter that will need to be carefully considered at Reserved Matters stage.

On the basis of the above and noting the functional requirements, CS policies RW1, LD1 and SD1, emerging policies of the NDP and the design aims and objectives of the NPPF are and can be satisfied.

Landscape is assessed in the context of policies RW1 and LD1 of the Core Strategy, policies of the emerging Ross Neighbourhood Development Plan, and NPPF to assess the proposals environmental impacts. CS policies RW1 and the wider economic development policies are underpinned by Policy LD1 of the Core Strategy Landscape and townscape. Development proposals need to demonstrate that features such as scale and site selection have been positively influenced by the character of the landscape and townscape, and that regard has also been had to the protection and enhancement of the setting of settlements. Development proposals should also conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including locally designated parks and gardens; and should incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings.

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



The principle of housing is considered acceptable in landscape terms due to the limited inherent landscape quality on the site itself, the fact the site is located within the town, surrounded by existing residential development.

In terms of the illustrative layout, this shows how future development could come forward, however as identified within the Landscape Officer's response this as shown above, would not be supported. However the built form taking account of topography and the existing slope, revisiting and changing the suggested approach where the larger properties are at the top of the hill, which would be visually prominent and out of context with the adjoining bungalows on Princess Way and the existing site bungalow, is recommended and can be addressed at Reserved Matters stage.

Members are reminded the proposal under this application is not considering design and layout and these comments are intended to inform all parties. Clearly an unacceptable layout at reserved matters stage (as shown) could and would be recommended to be refused.

The roadside boundary to Merrivale Lane will need careful consideration however in line with the NDP policy and criteria for development of the site, create a new positive streetscene. Hard surfacing should be laid out as efficiently as possible to reduce hard surface, increasing soft landscape and reducing surface water runoff.

Given all of the above no significant adverse landscape harm is identified by development of the site at the density proposed and furthermore on this basis, no harm is identified regarding the setting of the Wye Valley AONB.

It is also concluded that, the development of this site, in principle would be acceptable in landscape terms and with regards to the local landscape character and the character and accord to the requirements of policies LD1, SD1 and RW1 of the Herefordshire Local Plan – Core Strategy and landscape aims and objectives of the NPPF.

### Ecology and Arboriculture

- 6.12 Policy LD2 of the Herefordshire Local Plan - Core Strategy requires development proposals to conserve, restore and enhance biodiversity through the retention and enhancement of nature conservation site and habitats and important species. Policy LB2. This is also supplemented and underpinned by Core Strategy policies LD2 – *Biodiversity and geodiversity* and LD3 – *Green infrastructure*.

Policy LD2 states *Development proposals should conserve, restore and enhance the biodiversity and geodiversity assets of Herefordshire, through the:*

1. Retention and protection of nature conservation sites and habitats, and important species in accordance with their status.
2. Restoration and enhancement of existing biodiversity and geodiversity features on site and connectivity to wider ecological networks; and
3. Creation of new biodiversity features and wildlife habitats.

The advice in Chapter 15 of the NPPF, *Conserving and enhancing the natural environment*, reinforces this, stating *promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.*

The application submission has been supported by an Ecological Assessment in which extensive surveying and assessment has been undertaken. This has been supplemented by updates as

required and requested following amendments to the application and comments from the Council's Ecologist.

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

The initial Habitat Regulations Screening Assessment identifies foul water and surface water as 'likely significant adverse effects'. The applicant has indicated in their application that foul water will discharge to mains sewer and surface water will outfall to SuDs (on site soakaway and attenuation feature). Subject to this mitigation being secured through a relevant condition a conclusion of 'NO Likely Significant Effect' has been returned by this LPA and as such the proposal demonstrates compliance with CS policy SD4 and LD2.

The comments of the Council's Arboriculturalist are noted. The picture below shows the site and important trees within it which contribute to the character and appearance of the locality and provide ecological benefits. It is noted these and boundary trees are to be retained.



### Heritage

- 6.13 Under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required, when considering development which affects a listed building or its setting:

*"to have special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

When considering the impact of a development proposal upon the setting of a Heritage Asset, there are several stages. Firstly identifying those assets which may be affected and their significance. Then those aspects of their setting which contribute to the significance are identified and lastly the impact of the development upon this significance. It should be noted that a view to or from a Heritage Asset does not necessarily mean that a site is within that asset's setting, this depends upon whether that view contributes to the significance of the asset. Also a site can be within the setting of a heritage asset without their being a direct view under certain circumstances. The fundamental principle is whether or not a development affects the significance of a heritage asset, including those aspects of its setting which contribute to its significance.

Whilst there is no mention of the setting of Conservation Areas within the Act, subsequent case decisions and protection for setting of 'Heritage Assets' within the revised NPPF, support the protection of setting of conservation areas.

Section 189 of the NPPF requires applicants to describe the significance of heritage assets and the impact of proposals upon this.

Paragraphs 189 to 196 offer particular clarity about the assessment to be made of the significance of heritage assets.

Paragraph 192 outlines three criteria to be taken account of in the determination of planning applications. These are as follows:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Section 193 of the NPPF states that great weight should be given to a Heritage asset's conservation.

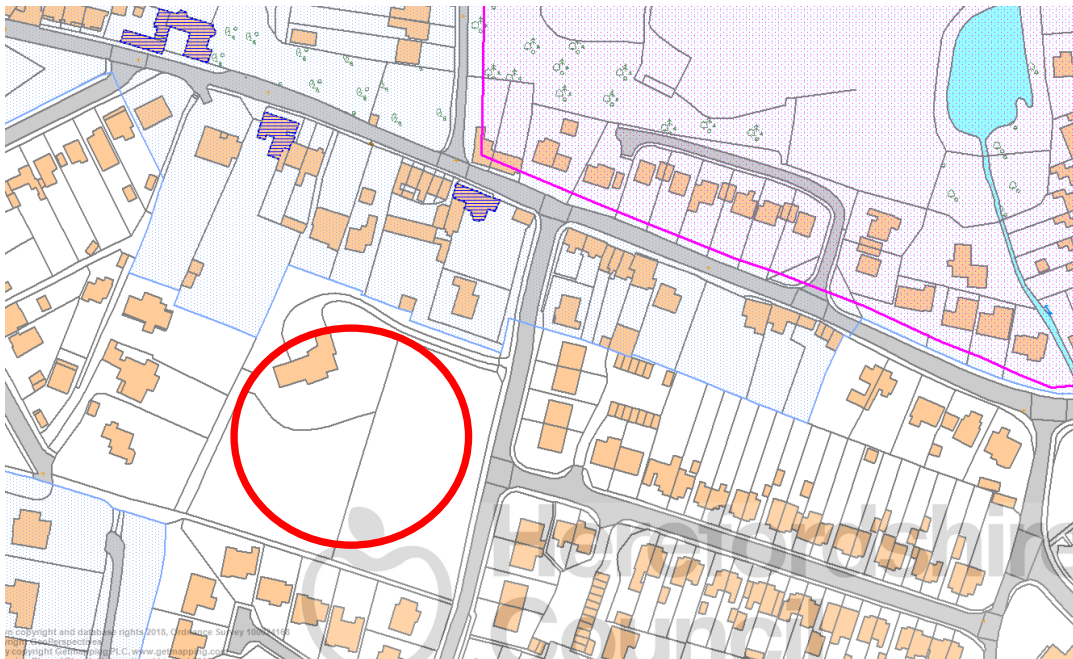
Section 196 of the NPPF states that where there is less than substantial harm to a heritage asset this should be weighed against the public benefits of the proposals. However it should be noted that mitigation should be considered initially.

The NPPF offers further guidance about heritage assets, recognising that they are irreplaceable resources that should be conserved; *'in a manner appropriate to their significance.'*

While Policy LD4 of the Core Strategy does require heritage assets to be protected, conserved and enhanced, and requires the scope of the work to ensure this to be proportionate to their significance, it does not include a mechanism for assessing how harm should be factored into the planning balance. As a result, and in order to properly consider the effects of development on heritage assets, recourse should be had to the NPPF in the first instance.

The site is bounded to the North and North West by the Ross Conservation Area and is characterised by mature, low density predominantly late Victorian and Edwardian housing. The conservation area extends around to the South West corner of the site. It is noted that the site was not included within the Conservation Area, one can conclude if it was considered of importance as an open space to the character and appearance of the area it would have been designated in some way. Whilst the open space makes a positive contribution to the experience of the southern edge of the Conservation Area, it is not included in the Conservation Area boundary and overall, the site relates more to the development that surrounds it to the South that is outside the conservation area. The property to be retained as part of the proposals within the North West corner, based on its design, dated as mid C20, does not have a strong relationship to its site context.

The site is shown ringed red, below, with conservation area edged blue, listed buildings edged and hatched dark blue and unregistered park and garden washed pink.



Conservation Areas do not have statutory protection for their setting, however where development on land outside the boundary is proposed which may affect the setting, this can be a planning consideration.

It is not considered that the proposals would affect the setting of nearby listed buildings shown above on account of intervening development, intervisibility and context.

The Chase Hotel was built as house for George Strong MD in 1818 and was converted to a hotel in 1927. The lake and stream through the grounds was originally associated with a Mill Leat. It is considered that development of the site would not adversely impact the character of this aspect of the conservation area or the un-registered Park and Garden, again on the basis of intervening development, intervisibility and context.

Having regard to the above, it is considered the site can accommodate the density of development proposed and heritage matters and their protective policies don't prevent this. No harm is identified to the setting of the heritage assets described above.

Whilst there would be some change to the setting of the adjacent conservation area, this will be viewed both from and to the conservation area in the context of the proposals being part of existing residential development and within an urban town setting. Sensitive design, layout and landscaping at Reserved Matters could result in neutral to less than substantial impact on the setting of the conservation area.

The Conservation Officer within their comments above has provided advice to help inform the detailed design which will come forward at Reserved Matters stage and it is noted they have no objection in principle to the proposal.

As such the proposals are considered to result in less than substantial or no impact on designated and non-designated heritage assets and accord with policies SS6 and LD4 of the Herefordshire Core Strategy or heritage aims and objectives of the NPPF.

### Drainage and Flood Risk

- 6.14 Policies SD3 and SD4 of the Core Strategy seek to ensure that matters of flood risk and drainage are considered. Welsh Water, as the statutory consultee have been consulted and, subject to a condition that ensures that a connection is made in a specific location and there being no surface or land drainage discharge to the mains system, they raise no objection. As such, whilst noting the concerns raised locally about capacity, officers conclude that the proposals comply with the requirements of policy SD4 of the Core Strategy.

Matters of flood risk and surface water drainage have also been carefully considered in the detailed response from the Land Drainage consultant as detailed at paragraph 4.12. It is noted the application was accompanied by what was described as a robust Flood Risk Assessment, which attracted no objection from the Environment Agency. Conditions are recommended to ensure that a final drainage strategy for the site is acceptable and on this basis there is no detected conflict with policy SD3.

### Affordable Housing and Housing Mix

- 6.15 Policy H1 – *Affordable housing – thresholds and targets* requires all new open market housing proposals on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000sqm to contribute towards meeting affordable housing needs.

Affordable housing provided under the terms of policy H1 is expected to be available in perpetuity for those in local housing need, secured through a legal agreement. This and the requirements above are reflected and reinforced in Policy RW1.

The past delivery of affordable housing in Herefordshire has left the Council open to significant criticism at Planning Appeals, despite all the corporate policies seeking to delivery more and attempts to reduce levels of homelessness. A description of affordable housing delivery was described as '*pitiful*' at the recent Land to the North of the Viaduct, Ledbury Public Inquiry.

Considering, past delivery of only 1,063 dwellings between 2011/12 and 2018/19 there has been an accumulated shortfall of 4,604 affordable dwellings. This is an affordable housing shortfall of 81% since 2011/12 against a target of 5,667 during the same period; or, put another way, just 19% of need has been provided. The scale of this shortfall is enormous and equates to almost 600 affordable homes per annum that are not being provided.

The proposal is for 16 dwellings, of which six will be affordable. This proposed development provides additional much needed housing and represents an important contribution towards the Council rectifying its affordable housing supply shortfall and wider housing delivery targets. The proposal also still helps deliver a range of housing types and sizes which help meet local needs and assist in wider housing delivery including Herefordshire Council meeting its housing targets. An open market mix of 3 no. 2 bed units, 6 no. 3 bed units and 1 no. 4 bed unit is proposed and this mix is considered acceptable and relevant to addressing evidenced local need within Ross and the HMA. A condition to secure this agreed mix at Reserved Matters stage is recommended.

The comments of the Planning Obligations Manager and Strategic Housing are noted. The proposal will deliver an adequate suitable mix and numbers of housing compliant with Herefordshire Core Strategy policies SS2, SS3, H1 and H3 and as such represents development that meets with regards to housing, the social objectives of the NPPF.

As such Core Strategy policies SS3, H1 and H3 are satisfied along with the relevant aims and objectives of the NPPF which secure balanced mixed inclusive communities.

### Section 106 Agreement

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

<b>Community Infrastructure Type</b>	<b>Contributions</b>
Transport infrastructure to include improvements to the existing public right of way network and the provision of dropped crossings from the development site to the town centre and local schools	Contribution based on open market units; <ul style="list-style-type: none"><li>• 1 bed flat £1,465.00</li><li>• 2 bed dwelling £1,720.00</li><li>• 3 bed dwelling £2,580.00</li><li>• 4 + bed dwelling £3,440.00</li></ul> (all to be index linked)
Education – Pre-school provision, John Kyrle High School, Post 16 provision, Youth provision and Special Education Needs	Based on open market units; <ul style="list-style-type: none"><li>• 2 bed dwelling £3,001.00</li><li>• 3 bed dwelling £3,001.00</li><li>• 4 bed dwelling £5,844.00</li></ul> (all to be index linked)
Play provision at Dean Hill and Rope Walk play areas	£14,954.00 (to be index linked)
Outdoor sports provision at Ross Football Club, Ross Rugby Club, Ross Tennis Club and Ross Hockey Club	£15,120.00 (to be index linked)
Waste and Recycling – 1 x black waste bin and 1 x green recycling bin per dwelling	£80.00 per dwelling
Library contributions towards Ross-on-Wye Library	Based on open market units; <ul style="list-style-type: none"><li>• 1 bed flat £120.00</li><li>• 2 bed flat/dwelling £146.00</li><li>• 3 bed dwelling £198.00</li><li>• 4+ bed dwellings £241.00</li></ul> (to be index linked)
Medical provision at Alton Street and Pendeen surgery	£6,000.00 (to be index linked)
Affordable Housing	40% to be delivered on site

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

- a local connection with the parish of Ross
- in the event of there being no person with a local connection to Ross any other person ordinarily resident within the administrative area of the Council who is eligible under the allocation policies

For reference, 'local connection' means having a connection to Ross as specified above, means because that person is or in the past was normally resident there, is employed there; or has a family association there; or a proven need to give support to or receive support from family members; or because of special circumstances.

On the basis of the above and as confirmed by the Planning Obligations Manager, a policy compliant draft Heads of Terms can be agreed on the above basis. The recommendation reflects the requirement to complete a Section 106 Legal Agreement before the grant of Outline Planning Permission.

#### Other Matters

- 6.17 Local residents raise concerns regarding parking, particularly on street parking. The development, albeit an outline application, can clearly facilitate adequate off road parking to serve the proposed 16 dwellings within its site area at required standards and level of provision. As such there is no reason the development should exacerbate the situation. In considering the matter of layout at Reserved Matters Stage, officers, including the Area Engineer (Highways) will consider the parking provision within the site (per dwelling) to ensure compliance with policy.

With regards to the loss of open space development of the site would create, it is first noted the site is private land with no access rights and could lawfully be enclosed and made secure without planning permission. The site is, as detailed, an allocated site for development with the NDP which furthermore identifies and protects through its policies open spaces which are of high value. The site is clearly however not a protected open space within the emerging NDP.

Concern has been expressed regarding the impact of Covid 19, subsequent lockdown and accessibility of the Town Council's meetings and delay to the referendum on the NDP. The Government has been clear planning applications should not be held or unnecessarily delayed from determination and web based meetings, committees and appeal processes have been promoted, championed and advanced to 'keep Planning and the economy moving'.

As the NPPF sets out, weight can be given to an emerging NDP subject to its status in the process. As detailed significant weight can be given to the Ross NDP as it is post Examination and awaiting Referendum. Planning is 'dynamic' and there is no sound reason to delay determination based on the NDP's position.

The Town Council has returned comments as reported above at paragraph 5.1. Local residents voices are heard and have been carefully considered, with 20 people submitting representation as set out at 5.2 and by virtue of the level of public interest the application was redirected for the Planning and Regulatory Committee to determine. Consultation rights and the ability to comment on the application have been safeguarded and legislation complied with.

Despite the unprecedented circumstances it is considered no one has been prejudiced from commenting on the application with the application advertised by site notices around the application site and press advertisement within local newspapers.



### Summary and Planning Balance

- 6.18 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows *“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”* The development plan is the Herefordshire Core Strategy. The NPPF and the emerging Ross NDP are significant material considerations.

In accordance with s.38 (6) of the 2004 Act, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Core Strategy constitutes a spatial strategy and policies designed to achieve sustainable development under the three objectives; social, economic and environmental. As concluded above the proposals are considered to accord with the development plan through meeting the criteria of policy RW1 and emerging Ross on Wye NDP policies which apply to the site as a housing allocation. The NPPF, a material consideration, also seeks sustainable development through the economic, social and environmental objectives for planning. To enable a conclusion to be reached on whether the application proposals are in accordance with the development plan and to take account of material considerations, I now consider the benefits and impacts of the proposals against each of the three roles or dimensions of sustainable development in turn.

#### **Turning to the three objectives of sustainable development:**

##### Economic Objective

- 6.19 A key aspect of the economic role played by the planning system is to ensure that sufficient land of the right type is available in the right places and at the right time to support growth.

In this context, the proposals score, in economic terms at least, positively. The proposal could help to support economic growth arising from:

- employment and supply of associated materials, goods and services in the construction phase
- support to local services and facilities arising from the new resident population
- economic benefits to the Council through the payment of New Homes Bonus

The positive economic benefits arising from the scheme will include direct economic betterment for local shops and businesses however are not unique to this proposal and apply to all such developments. On the basis of the scale and nature of the development I attach moderate weight to these benefits.

##### Social Objective

- 6.20 Planning's social role incorporates providing support to strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment.

The proposal delivers a mix and range of housing, including affordable housing which helps meet identified local demand now and for the future. The delivery of these houses will also contribute to the social wellbeing of Ross through occupiers using and contributing to the town's existing society and life. Furthermore the development represents a planned response to growth of the town as set out within Core Strategy policy RW1 and the Ross NDP as it is development of an allocated site. Furthermore, the proposal will make an important contribution to rectifying the Council's affordable housing delivery and overall housing land supply position.



As such the *social* objective is considered to be satisfied and I attribute significant weight to the benefits in community terms, particularly to the delivery of affordable housing, establishing sustainable communities, employment opportunities and a sense of place the development will secure and delivering the planned growth of the town. The weight I attach is further increased due to the Council's lack of an up to date 5 year housing land supply.

### Environmental Objective

- 6.21 The environment objective requires consideration of how the development contributes to protecting and enhancing the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution and mitigating climate change (low carbon economy).

The proposal will enable more sustainable patterns of activity through providing new housing located where the town centre and other services and facilities are accessible by foot or bicycle from the new houses.

At this outline stage, the Council's Building Conservation Officer has not identified any harm to the setting of designated heritage assets and therefore the proposal would comply with the requirements of policy LD4 of the Core Strategy. As detailed above the matter will require further consideration during any Reserved Matters applications.

Taking all of the above into account, officers consider that the public benefits arising from the scheme, as outlined above are positive. There is no evident harm arising in relation to other technical matters as discussed above. The proposal is considered to be compliant with the CS and with the policies of the emerging NDP, to which significant weight can be given.

The application delivers a sustainable infill residential development at Ross as directed by CS policy RW1 and the Ross NDP. As such I attach positive weight to the proposals as their delivery will also enable defence against unplanned speculative development in locations more harmful in environmental terms.

### Conclusions

- 6.22 Policy SS1 of the CS reflects the presumption in favour of sustainable development in national policy and provides that planning applications that accord with the policies in the Core Strategy will be approved unless material considerations indicate otherwise. Policy SS1 also aligns itself with NPPF paragraph 11 and as a matter of local plan policy states *Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise.*

The NPPF paragraph 11 provides the mechanism for the determination of the application stating:

#### **For Decision Making**

- c) Approving development proposals that accord with an up-to-date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

As detailed above there is conformity with the housing and sustainable development policies of the development plan which includes the Ross Neighbourhood Plan. These policies are consistent with the guidance contained within the NPPF. Further to the local plan policy compliance described, it is also noted the Council does not have an up to date 5 year supply of housing land and as such planning permission should be granted without delay. On the basis of the clear direction from NPPF paragraph 11, the local plan policy and NPPF aims and objectives compliance, and there being no technical reasons or demonstrable harm to dictate otherwise, approval is recommended as the proposal represents sustainable development.

## **RECOMMENDATION**

**That subject to the completion of a Section 106 Planning Obligation under the Town & Country Planning Act 1990 in accordance with the Heads of Terms stated in the report, 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.**

### ***Regulatory Conditions***

- 1. An application for approval of the reserved matters shall be made to the local planning authority before the expiration of three 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 three 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. Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

***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, Ross on Wye Neighbourhood Development Plan and the National Planning Policy Framework.***

- 4. The development shall be carried out strictly in accordance with the approved plans and supporting details:**

- Application Form for Outline Planning Permission With Some Matters Reserved**
- Planning Statement dated March 2020 by Savills**
- Drawing titled 'Site Location Plan', Drg No. 1761 0100 Rev. C**
- Preliminary Ecological Appraisal and separate Bat Roost Inspection Survey, both dated April 2018 by Keystone**
- Flood Risk Assessment and Drainage Strategy by RMA Environmental dated 13 March 2020**

**All Received 7 March 2020, and**

- Drawing titled 'Initial Proposed Site Layout', Drg No. 455652/001 Rev. A (as relates to vehicular and pedestrian access details), Received 22 July 2020, and**
- Phase 1 Habitat Survey Update dated 6 August 2020, Received 7 August 2020**

except where otherwise stipulated by conditions attached to this permission.

***Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy LB2 and SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.***

***Prior to Commencement Conditions***

5. Before any work, including any site clearance or demolition begin, or equipment or materials moved on to site, a Construction Environmental Management Plan (CEMP) including a full Ecological Working Method Statement and a specified 'responsible person', shall be supplied to the local planning authority for written approval. The approved CEMP shall be implemented and remain in place until all work is complete on site and all equipment and spare materials have finally been removed; unless otherwise agreed in writing by the local planning authority.

The Construction Management Plan shall include, but is not limited to, the following matters:

- Site management arrangements, including on-site storage of materials, plant and machinery; temporary offices, contractors compounds and other facilities; on-site parking and turning provision for site operatives, visitors and construction vehicles (including cycle parking for staff and visitors); and provision for the loading/unloading of plant and materials within the site;
- Wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; • measures for managing access and routing for construction and delivery traffic;
- Hours during which construction work, including works of site clearance, and deliveries can take place;
- Tree/hedge protection plan for the phase of development;
- Construction Traffic Management Plan;;
- Ecological mitigation and protection for the construction phase of development

***Reason: In the interests of highway safety, in the interests of safeguarding adjoining amenity, To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3 and to conform to the requirements of Policies.***

6. Prior to commencement of any site clearance, preparation or development a fully detailed and specified Ecological Working Method Statement (EWMS) including details of appointed Ecological Clerk of Works shall be provided to the planning authority. The EWMS should consider all relevant species but in particular consideration for great crested newt, reptiles and badgers. The approved EWMS shall be implemented in full unless otherwise agreed in writing by the planning authority.

***Reason: To ensure that all species and habitats are protected and conserved having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18)***

7. Prior to commencement of any site preparation or construction a retained tree and hedgerow protection scheme, based on BS5837:2012 shall be erected and hereafter maintained until all works have finished and spare materials and all equipment have been removed from site.

***Reason: To ensure that all trees, hedgerows and biodiversity features are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species***

*Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies LD1-3.*

8. Prior to commencement of development a fully detailed and specified Biodiversity Enhancement Plan including a relevant location plan that is appropriate with the scale, nature and location of the development including provision of fixed habitat features, such as hedgerow enhancement and attenuation pond shall be provided to the planning authority for approval. The approved scheme shall be implemented in full and hereafter maintained unless otherwise agreed in writing by the planning authority.

*Reason: To ensure that all species and habitats are protected, conserved and enhanced (Biodiversity net gain) having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).*

9. Prior to commencement of the development the following drainage details shall be submitted to the Local Planning Authority for written approval:

- Confirmed method of surface water disposal with detailed drawings of the proposed design that demonstrate the inclusion of SuDS, where appropriate, and location and size of key drainage features
- Detailed drawings of the surface water and foul water drainage strategies
- Detailed drawings of proposed features such as infiltration structures and attenuation features
- Results of infiltration testing in accordance with BRE365, undertaken at appropriate locations/depths.
- Details of how surface water runoff from hard paved and vehicular surfaces will be prevented from entering the roof water attenuation basin
- Calculations to demonstrate that the proposed surface water drainage system has been designed to prevent the surcharging of any below ground drainage network elements in all events up to an including the 1 in 2 annual probability storm event. FEH 2013 rainfall data is expected
- Calculations to demonstrate that the proposed surface water management system will prevent any flooding of the site in all events up to an including the 1 in 30 annual probability storm event. FEH 2013 rainfall data is expected
- Calculations that demonstrates that the proposed drainage system will have sufficient capacity to cater for up to the 1 in 100 year event and allowing for the potential effects of climate change. FEH 2013 rainfall data is expected
- Detailed calculations of proposed infiltration features informed by the results of infiltration testing. FEH 2013 rainfall data is expected
- Revised greenfield calculations for the intended non permeable area, using FEH methods and 2013 rainfall data
- Proposed discharge rates for the 1 in 1 year, Qbar, 1 in 30 year and 1 in 100 + CC events using FEH 2013 rainfall data, and demonstration of how runoff rates and volumes during smaller rainfall events have been reduced as far as practicable
- Confirmation that discharge to a public sewer has been agreed with the relevant sewerage authority
- Confirmation of maintenance arrangements for all drainage features

The development shall be carried out in accordance with the approved details and thereafter be maintained as such.

If the results of infiltration testing indicate that infiltration will not provide a feasible means of managing surface water runoff, we highlight that discharge to a watercourse should be sought in the first instance. 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.

*Reason: To ensure adequate drainage arrangements serve the development and to mitigate, prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution and prevent adverse impact on adjoining land and use and to comply with Herefordshire Core Strategy policies S3 and S4 and the emerging policies of the Ross on Wye Neighbourhood Plan.*

10. 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 and to comply with Herefordshire Core Strategy policies SD3 and SD4 and the emerging policies of the Ross on Wye Neighbourhood Plan.*

11. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.5 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 43 metres in each direction along the nearside edge of the adjoining carriageway. 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 with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, emerging Ross on Wye Neighbourhood Development Plan and the National Planning Policy Framework.*

12. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

*Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

13. Development shall not begin in relation to the provision of road and drainage infrastructure until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and completed prior to first occupation of the development hereby permitted.

*Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

14. The development shall not be first occupied until the roadworks necessary to provide access from Merrivale Lane, the publicly maintained highway, have been completed in accordance with details submitted to and approved in writing by the local planning authority.

*Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy MT1 of*

**Pre Occupancy Conditions**

15. Prior to the first occupation of the development hereby permitted a scheme for the provision of covered and secure cycle parking on site and within the curtilage of each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the cycle facilities approved shall be made available for use prior to occupation of the dwelling it serves.

***Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, Ross on Wye Neighbourhood Plan and the National Planning Policy Framework.***

16. Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan Core Strategy 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 and the National Planning Policy Framework.***

17. Prior to the first occupation of any dwelling within any phase of residential development hereby permitted a scheme to enable the charging of plug in and other ultra low emission vehicles (e.g. provision of outside electric sockets ) to serve the occupants of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority.

***Reason: To address the requirements policies in relation to climate change SS7 and SD1 of the Herefordshire Local Plan Core Strategy and the guidance contained within the National Planning Policy Framework.***

18. Before any phase of the development is first occupied or brought into use, a schedule of landscape implementation and maintenance of non- private garden areas shall be submitted to and approved in writing by the local planning authority. Delivery and Maintenance shall be carried out in accordance with this approved schedule.

***Reason: To ensure the future establishment of the approved scheme, in order to protect and enhance the visual amenities of the area and setting of heritage assets hereabouts, to maintain and enhance the character and appearance of the location and setting of the Wye Valley AONB and adjoining conservation area and to ensure that the development complies with the requirements of Policy SS6, RW1,, RA1, LD1, LD4 and SD1 of the Herefordshire Local Plan – Core Strategy, the Ross on Wye Neighbourhood Development Plan, the Wye Valley AONB Management Plan and the design and environmental aims and objectives of the National Planning Policy Framework.***

19. Details regarding the storage and collection location of bins should be provided and approved in writing by the Local Planning Authority prior to occupation of any dwelling. Bin collection points would need to be provided for any plot located over a 25 metre walking distance from where the RCV can safely access.

***Reason: In the interests of highway safety, public health and amenity and to comply with Herefordshire Core Strategy policies LB1, LD1, MT1 and SD1.***

20. Prior to the first occupation of the dwellings hereby approved the driveway and/or vehicular turning area shall be consolidated and surfaced at a gradient not steeper than 1 in 8. Private drainage arrangements must be made to prevent run-off from the driveway discharging onto the highway. Details of the driveway, vehicular turning area and drainage arrangements shall be submitted to and approved in writing by the local planning authority prior to commencement of any works.

*Reason: In the interests of highway safety and to conform with the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.*

21. The pedestrian link from the site to the adjacent public right of way as shown on the plans listed under Condition 4 of this Decision Notice shall be made available use prior to the first occupation of the development hereby permitted.

*Reason: To ensure sustainable non vehicular modes of movement are available from first occupation, to promote sustainable travel, help reduce carbon emissions and to comply with Herefordshire Core Strategy policies SS6, MT and SD1 and emerging Ross on Wye Neighbourhood Development Plan and the relevant aims and objectives of the National Planning Policy Framework.*

#### **Compliance Conditions**

22. All foul water shall discharge through a connection to the local Mains Sewer network and surface water shall be managed through an SuDs system (onsite soakaways and attenuation feature) within the development boundary; unless otherwise agreed in writing by the Local Planning Authority.

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

23. The ecological protection, mitigation, compensation and working methods scheme, as recommended in the reports by Keystone Ecology, including ecological assessment report (Keystone Ecology, dated April 2018), and bat survey reports, (Keystone Ecology Bat Roost Inspection Report, dated April 2018) and Keystone Ecology Bat Roost Characterisation Report, dated June 2018) shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

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

24. No external lighting should illuminate any boundary feature, adjacent habitat or area around the approved mitigation and biodiversity enhancement features.

*Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2018), NERC Act (2006), Herefordshire Core Strategy (2015) policies SS6, LD1-3 and, Dark Skies initiative (DEFRA-NPPF 2013/18).*

25. No more than 16 dwellings shall be constructed on the site.

***Reason: To regulate the development, and on the basis of the application has been assessed and approved on the basis of this quantum of development and its impacts and to comply with Herefordshire Core Strategy policies SS1, SS3, RW1, MT1, LD1, RW1, SD3 and SD4 and the emerging Ross on Wye Neighbourhood Development Plan.***

26. The market housing mix shall be as described under Section 15 of the Application Form accompanying the proposal as listed under Condition 4 of this Decision Notice.

***Reason: The permission is outline only and this condition is imposed to ensure the development meets the present and future housing needs of Ross on Wye by requiring delivery of the most appropriate size and type of additional housing in accordance with the requirements of policies H3 and RW1 of the Herefordshire Local Plan – Core Strategy and policies contained within the emerging Ross on Wye Neighbourhood Development Plan.***

#### **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. Attention is drawn to the comments from Mandy Neill, Senior Landscape Officer, dated 8 May 2020. These should inform any future Reserved Matters details submitted.
3. For hedgerows the protection buffer should not be less than 2m from the woody stem of any hedgerow shrub or tree. No lengths of hedgerow or trees should be cut or removed during the bird nesting season (March-August inclusive) without a thorough check by a qualified ecologist no more than 48 hours prior work commencing. At all other times the applicant should be aware that any disturbance or damage to nesting birds and protected species is a criminal offence under wildlife legislation.
4. Fixed habitat features include but are not restricted to features such as bat roosting opportunities, bird boxes, insect hotels/houses, hedgehog homes & hedgehog friendly boundary features and amphibian/reptile refugia. Habitat enhancement could include wildlife friendly SuDS, tree and shrub planting (usually locally characteristic or directly associated cultivars of native species), wildflower meadows and Traditional ('standard') Orchards. The applicant is advised to seek the advice of an ecological consultant when completing the Biodiversity Enhancement plan.
5. The applicant/ developer may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant/ developer is also advised that some public sewers and lateral drains may not be recorded on Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of



the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

If you have any queries please contact Welsh Water on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

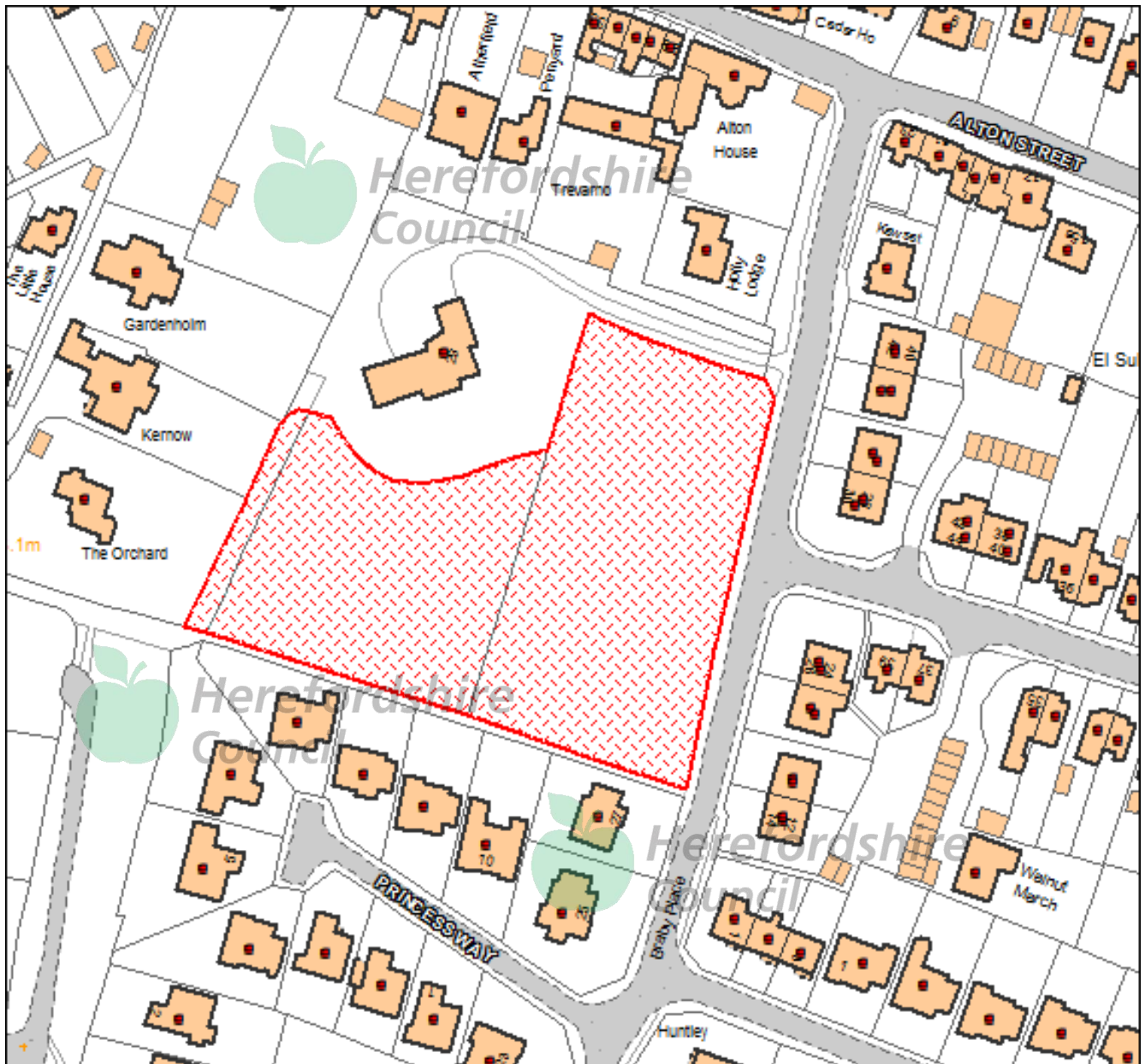
Decision: .....

Notes: .....

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### **Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 201134

**SITE ADDRESS :** LAND AT MERRIVALE LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5JL

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