

**10 DCSE2008/0095/F - ERECTION OF 87 DWELLINGS AND ASSOCIATED GARAGES, NEW ACCESS AND LINEAR PARK AT LAND AT TANYARD LANE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7BH.****For: Persimmon Homes South Midlands per RPS Planning, 155 Aztec West, Almondsbury, Bristol, BS32 4UB.****Date Received: 14th January, 2008    Ward: Ross-on-Wye    Grid Ref: 60727, 24824  
East****Expiry Date: 14th April, 2008**

Local Members: Councillor PGH Cutter and Councillor AE Gray

**1. Site Description and Proposal**

- 1.1 The application site is the eastern part of an extensive area (about 8ha) of land off Tanyard Lane that is allocated for residential development in the Herefordshire Unitary Development Plan 2007. That site is bounded by Tanyard Lane and the Collier and Brain housing development to the north, the A40(T) to the east, Rudhall Brook to the south and modern housing in Rudhall Meadow to the south-west. An outline application (DCSE2005/3208/O) for residential development was considered by the Committee on 21st March, 2007 when it was approved in principle subject to a Section 106 agreement being entered into. The draft agreement has not yet been signed because of ownership issues and a revised draft is being prepared which it is anticipated should overcome this technical difficulty. A separate application (DCSE2006/4006/F) for the new roundabout along the A40(T) has been granted permission.
- 1.2 The current proposal is for detailed approval of Phase 1, an area of about 3.6ha. This part of the allocated land is to the east and north of the group of commercial premises (dog kennels, small factory and depot for plant and equipment) at the south-eastern end of Tanyard Lane. Negotiations by the applicant to acquire these sites, envisaged in the outline application, have not been concluded and the submitted scheme is based on the assumption that they will remain. The roundabout previously approved would be constructed as the sole means of vehicular access to the new housing area. An estate road would extend south-westwards from the roundabout as far as the dog kennels and turn sharply northwards and then westwards to follow the boundaries of those premises. At the latter bend a further arm of the road curves towards the north-east corner of the site. This alignment ensures that the access roads follow the site contours. To the south-east of the road would be part of the linear park; this section would include balancing ponds (for the surface water drainage scheme) and a children's play area. A pumping station would be sited close to the roundabout with a short access road which could be extended later to provide access to the caravan park to the south of Rudhall Brook. A 2m flat verge along the southern side of the estate road adjoining the park would facilitate access to the housing by emergency vehicles.
- 1.3 The new housing (87 in total) would be arranged in the main fronting the new estate road, with a mixture of detached and semi-detached housing and terraces of varying

lengths. In addition there would be larger detached houses fronting the A40(T). These would be set back 21m or more from the trunk road with a planted area and pedestrian access between. Two further access roads would extend northwards from the northern arms of the estate road leading to garages and open parking areas close to the northern boundary. Further houses would front these roads plus additional terraces off private drives extending from the various turning heads. Car parking would be a mixture of garaging, mainly grouped together, and open parking at the rear of the houses.

- 1.4 The style of the proposed houses would be a mix of typical modern estate housing with the larger and more prominent dwellings echoing Victorian housing designs. Within the estate the style is simpler. The terraced housing facing the dog kennels have been specifically designed to ensure that living rooms and bedrooms are at the rear. By this means and the erection of a 3m acoustic fence close to the northern and western boundaries of the dog kennels it is intended to protect occupiers from undue noise from the nearby commercial premises. The terraces themselves would provide a noise buffer for the remainder of the housing estate. Of the 87 houses 30 would be affordable with a mix of semi-detached and terraced housing (12 3-bed, 16 2-bed plus 2 1-bed flats). The market houses would include 7 5-bed, 8 4-bed, 34 3-bed and 8 2-bed houses. Most of the houses would be 2-storeyed but 13 would be either 3-storeyed or with the second floor within the roof slope and lit by dormers. These would be sited along the A40(T) frontage or along the north-eastern arm of the estate road. The houses would be of brick construction with a concrete tiled roof and PVCu windows.
- 1.5 The proposed park would be planted and there would be further landscaped areas along the A40(T), adjoining Tanyard Lane and along the northern boundary. A 1m strip would be provided in front of the acoustic fence to allow some planting, particularly of climbers, with a more extensive area of planting at the southern end of the fence.

## 2. Policies

### 2.1 Herefordshire Unitary Development Plan 2007

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligations
Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H2	-	Hereford and the Market Towns: Housing Land Allocations
Policy H3	-	Managing the Release of Housing Land
Policy H9	-	Affordable Housing
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H16	-	Car Parking

Policy H19	-	Open space requirements
Policy ED5	-	Safeguarding Employment Land and Buildings
Policy T6	-	Walking
Policy T7	-	Cycling
Policy T8	-	Road Hierarchy
Policy T11	-	Parking Provision
Policy RST3	-	Standards for Outdoor Playing and Public Open Space
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement

### 3. Planning History

- 3.1 DCSE2005/3207/F Residential and associated development including 60 dwellings, linear park and site access - Withdrawn
- DCSE2005/3208/F Residential and associated development, including linear park and site access - S106 not yet agreed
- DCSE2006/0171/F 3 arm roundabout on alignment of A40(T) - Appeal Dismissed 02.03.07
- DCSE2006/4006/F 3 arm roundabout on alignment of A40(T) - Approved 07.11.07

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency has no objections in principle to the proposed development but recommends that conditions be imposed regarding contaminated land, foul and surface water drainage, floor levels (flood prevention) and protection of the adjoining watercourse.
- 4.2 Welsh Water requests that conditions are included relating to the drainage of the site.
- 4.3 Highways Agency is satisfied that the nature of the proposed scheme and in particular the access arrangements are the same as DCSE2005/3208/O which the Highways Agency previously approved with a condition. I understand the applicant has already entered into a S278 agreement with the Highways Agency for mitigation works at Overross roundabout and the A40/A449 site access roundabout. The Highways Agency position therefore remains the same as that set out in our letter of 9th August, 2006 - viz: direction that a condition be attached to any planning permission which may be granted.

#### Internal Council Advice

- 4.4 Traffic Manager has expressed reservations regarding pedestrian and cycle links to the rest of the town and detailed concerns regarding the layout and access. The applicant has responded to these points and the Traffic Manager's recommendation will be reported at the Committee Meeting.
- 4.5 Land Drainage Engineer has no adverse comments regarding land drainage issues.

- 4.6 Environmental Health and Trading Standards recommends conditions in order to protect the amenity of future occupants.
- 4.7 Conservation Manager comments:

The site lies to the west of the A40, on open land that slopes gently down towards the south, to Rudhall Brook. This area is described as Principal Settled Farmlands in the Landscape Character Assessment. An established residential area lies to the north of the site and Wyevale Kennels lies to the west of the site. There are a limited number of existing trees that are located along some of the site boundaries.

#### Design issues

Site layout: some aspects of this are well thought out - the positioning of buildings to create continuity of street frontages and enclosure of space by development to define public and private areas. In addition, locating the majority of car parking spaces in subsidiary streets and courtyard spaces, rather than on the frontages of the main streets, will improve the appearance of the housing estate.

However, a significant disadvantage of the proposed layout is that up to one-third of the dwellings have north-facing, or north-west facing gardens and living rooms. Where three storey units are proposed, the problem of shading of these gardens will be particularly acute. In my view, it would be possible to design a layout for this site, which capitalises on the contours, creates continuous building frontages and creates private garden spaces with a favourable orientation. The lack of integration of the architectural and landscape design, with regard to the private garden spaces is a significant weakness of the design.

Design form and character: It is evident that the proposed form of the housing estate does address some of the key issues, such as maintaining amenity for the established residential area to the north of the development site. However, in my view the issue of creating housing designs that relate in some way to the architecture found in Ross-on-Wye, in order to create a locally distinctive design, has not been addressed.

In the Design and Access Statement it is stated that the architectural design of the dwellings draws on the character of the built forms found in Ross-on-Wye to ensure that the new housing development 'will appear as a natural expansion to the built form of Ross-on-Wye'. They appear to be standard house types however and any link, in terms of design character, with the vernacular architecture of Ross-on-Wye, is very tenuous. Does this development meet the requirements set out in UDP Policy S2?

#### Arboricultural issues

The arboricultural assessment dated September 2007 is adequate. However, I do have some concerns regarding the retention of the Scots Pine (T1), which overhangs the development site boundary (in the north-west corner). This tree is described as a mature tree, in good condition and it is placed in the highest category (A) for retention. It is essential that this part of the site layout be reworked so that none of the parking area extends within the root protection area delineated for this tree.

#### Planting issues

The proposed tree and shrub species would be acceptable. Acoustic fencing is visually intrusive, due to its height and solidity, so it is very important that sufficient climbers are planted in order to screen it. While the proposed climber species are appropriate, I will require information in order that we can be assured that sufficient climbers are planted.

Linear Park

The proposed design of the linear park is acceptable. I recommend that new native species and/or fruit trees be planted at intervals along the boundary hedgerows, to improve amenity and biodiversity value.

Conclusion

In my view, two aspects of this scheme - the orientation of some of the housing units/gardens, as described above, and the standard of architectural design, are mediocre.

If permission is granted for this development conditions are recommended regarding planting and landscaping.

- 4.8 Housing Enabling Manager supports in principle the application for 1, 2 and 3 bedroom properties for rent and shared ownership, however no detailed negotiations have taken place with the developer as to the tenures. All properties are to be built to Housing Corporation Scheme Development Standards and Lifetime Homes without grant subsidy.

Strategic Housing in principle also supports the proposed layout for the affordable units.

An Affordable Housing Development Brief has been prepared based on previous discussions with the applicant's agent, which requires 20 RSL rented and 10 RSL Shared Ownership houses with a mix of house types and sizes which accords with those proposed.

- 4.9 Head of Commissioning & Improvement (Education) comments:

The provided schools for this site are Ashfield Park Primary School and John Kyrle High School both of which are cramped in certain respects and organisational difficulties could arise from additional children in the catchment area.

The Children and Young People's Directorate would like to bring to the attention of the planners a letter dated 31st January, 2007 from RPS relating to the outline planning application DCSE2005/3208/O, where the developers agreed that a £300,000 educational contribution on a 200 unit development was a fair and reasonable contribution. Taking this into account, and the size of development in the full planning application, The Children & Young People's Directorate would be looking for a pro-rata contribution.

It must also be noted that in a draft Heads of Term dated 21st March, 2007 a contribution of £200,000 was requested for the provision of formal sports/recreation facilities for shared use with John Kyrle High School.

- 4.10 Parks, Countryside and Leisure Development Manager advises that:

"UDP Policy H19 would require a development of this size to provide a play area to accommodate toddlers up to teenagers. However, as the development is being phased, it would make more sense to create one larger play area in the park rather than two, as smaller play areas offer less in play value and are costly to maintain. If this is not possible could a financial contribution be sought from both phases for the Council to develop one larger play area?"

In terms of designing the area, as it stands, more thought would need to be given to the location of the play area next to the balancing pond. The safety of children next to water should be given consideration.

The housing layout indicates a number of 'grassed tree planted areas' not all on highway verge. Would the Council be expected to adopt these areas?

The commuted sum for maintenance will be calculated in accordance with our current standards once the POS areas have been agreed.

During the outline stage a sum of £200,500 has been agreed in the 'draft heads of terms' towards off site sports/recreation facilities towards the provision of formal sports facilities for shared use at John Kyrle High School, in lieu of on site provision. This was calculated over 12 months ago, has this been indexed linked to allow for current costs of provision?"

## **5. Representations**

- 5.1 The applicant's agent has submitted a Design and Access Statement and Supporting Planning Statement, plus a series of supporting documents in relation to Community Engagement, Transport Assessment, Archaeological Evaluation, Ecological Appraisal, Tree Assessment, Linear Park and Planting, Noise Assessment, Flood Risk Assessment and Technical Note on Drainage Issues.

The conclusions of the Supporting Planning Statement are as follows:

- (1) It is concluded that the application should be permitted and recommended that the local planning authority resolve to grant planning permission for the proposed development, subject to conditions and the completion of a planning obligation.
- (2) The detailed proposal for a first housing phase of 87 dwellings not only accords with adopted Development Plan policy, but responds positively to its requirements, in seeking to provide housing that helps meet the Council's and Regional housing requirement, as well as local housing needs. The proposal is recognised to be at a sustainable location for residential development adjacent to the existing residential area close to the town centre, employment and local facilities, as well as public transport services.
- (3) Careful consideration of amenity and landscape issues ensures that the proposed development will integrate with the existing built and natural environment.
- (4) The proposal seeks not only to minimise the visual impact of development, but also to protect the ecology of the site, as well as prevent any additional risk of flooding arising from the development. The creation of a linear park, together with the planting of new trees and hedgerows on-site, as well as the retention of existing trees and hedgerows, will encourage and protect the flora and fauna.
- (5) Given the particular need for the site to come forward for development to accord with the housing strategy of the adopted HUDP, it is concluded that the local planning authority should seek to determine the application favourably and grant planning permission accordingly.

5.2 Ross Town Council makes the following comments:

- (i) strong representation from local residents who are concerned that the tranquility of the area will be compromised by an access path;
- (ii) members would like clarification on the suggestion that the crossing in Ledbury Road is to be moved;
- (iii) no indication of any pedestrian access, would like clarification on where these are to be located;
- (iv) would like consideration to be given to providing safe and convenient routes between the development and the schools and town centre whilst ensuring that the facilities enjoyed by existing residents is not compromised.

5.3 Ross Rural Parish Council support the development including pedestrian and cycle access to the town centre via Tanyard Lane and further believe that the existing closure of adjacent closes should be retained.

5.4 1 letter has been received objecting to the proposals because:

- (1) one of the Tanyard Lane businesses is a manufacturing company that operates 24 hours a day, normally for 6 days a week, which penetrates noise and other actions which are not compatible with residential dwellings
- (2) the company has never been contacted or consulted by planning officers and hence are not aware of our activities (noise, traffic, deliveries, etc) which is why it is located away from any dwelling and has had no complaints over 25 years in operation
- (3) planning permission has been refused for extension in favour of a large housing developer. This will definitely lead to closure of factory
- (4) the above is professional bias. Does this affect our human rights?

5.5 15 letters have been received mainly expressing concerns or reservations about the proposals:

- (5) strong objections if Arundel Close were to be used as pedestrian/cycle link to Tanyard Lane - Arundel Close is a quiet and tidy cul-de-sac with open front gardens and the link would result in serious noise and disturbance
- (6) the hedge along the northern boundary of the site is encroaching on the adjoining gardens and needs to be maintained - who will be responsible? Essential that this be resolved. The hedge has gaps which need closing to form an effective screen but additional trees should not exclude light into adjoining gardens
- (7) how will emergency vehicles access the estate - if via Tanyard Lane, how will prevent use by the general public?
- (8) concern that phase 2 will have vehicular access off the A40(T) and not Tanyard Lane.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The site is allocated for housing purposes in the adopted Unitary Development Plan and is acceptable in principle. As noted above an outline proposal has already been considered favourably by the Committee and the main terms of the planning agreement have been agreed. The roundabout providing vehicular access has been approved already. The area allocated for a public open space meets the requirements of Policy RST3 and a wildlife area would be provided along Rudhall Brook. There are three main issues therefore (1) the effect on the visual amenities of the area in relation to the setting of Ross-on-Wye and the quality of the new housing areas, (2) whether the amenities and living conditions of residents of the proposed houses and of neighbours would be acceptable, and (3) whether pedestrian and cycle access is adequate.
- 6.2 The basic layout of the estate follows the principles set out in the Development Brief prepared by the applicant's agent in collaboration with officers and approved by the Council. Thus views across the site of St. Mary's Church and of the wooded hillside to the south of Ross would be protected, as far as practicable, and new housing would be kept away from the bungalows in Arundel, Blenheim and Chatsworth Closes. The taller housing with 3 floors would also be sited an acceptable distance from the latter. The site falls to the south and the layout reflects this topography. Whilst this is a relatively high density (about 30 dwellings per ha.) it accords with Policy H15 which requires that at least 30 dwellings per ha be provided for sites outside the town centre. The layout appears less spacious than envisaged in the Development Brief with no room found for public space, contrary to the Masterplan, even though the density has not increased beyond that planned. Nevertheless this may be in response to the land currently occupied by commercial premises not being available at this stage for development. A further concern has been raised regarding the orientation or gardens. However this is in part a response to the requirement to provide a noise buffer around the commercial premises. If this part of the overall development site became available a re-design of this section of the layout could seek to address this issue.
- 6.3 The other main criticism made in the representations is whether the house designs and streetscene would 'incorporate the character of the local area throughout the design' (p44 of the Development Brief). The individual house types have been selected as they reflect in some respect(s) architectural characteristics found within Ross-on-Wye. Nevertheless it is how the individual buildings are related to each other that is at least as important and in this respect the row of detached houses (for example) fronting the A40(T) has only a tenuous visual reference to the older buildings adduced as examples to be followed in the Development Brief. However, it would not necessarily be appropriate to repeat on this edge of town site the buildings which are found near to the town centre. Whether the Development Brief is met fully in this respect the proposals should be considered as a whole. The layout would ensure that housing within the scheme is adequately spaced and would not impinge unacceptably on neighbouring houses. Car parking is generally kept away from public views and there would be adequate open spaces plus some planting within the housing estate. Perhaps the least satisfactory aspect would be the acoustic fence but this would be softened by planting within a few years. The trees proposed along the A40(T) would have a similar effect with regard to the new housing viewed from outside the town boundaries. Although the housing designs are neither bespoke (other than the terraces adjoining the kennels) nor innovative they are at least comparable with estates built elsewhere in Ross-on-Wye. On balance then I consider that the proposed development would not harm views of Ross-on-Wye and that visually acceptable residential areas would be formed.



- 6.4 The second issue relates to the amenities and living conditions of future residents and their neighbours. As noted above there would be adequate space between the bungalows to the north and the new houses. The existing hedge would be retained and a strip of planting would screen the new parking areas. Within the new estate the houses would be sufficiently well separated to meet generally acceptable standards with regard to spaces between dwellings and the size of private gardens. The measures to ensure that residents are not unduly affected by noise from the A40(T) and the kennels are considered to be acceptable by the Environmental Health Manager. The noise survey would have taken account of noise emanating from Meadex as well as the kennels but further monitoring is being carried out and this will be reported at the Committee Meeting. The new housing would act as a noise buffer for existing housing should there be an increase in noise from the A40(T) as a result of the new roundabout, although the study carried out in connection with the approved roundabout application showed that a reduction in traffic noise levels was to be expected.
- 6.5 Although vehicular access would be via the A40(T) this would not be acceptable for pedestrian and cycle links to the rest of the town. No accesses through Blenheim and Chatsworth Closes were envisaged in the Development Brief but Arundel Close was identified as a possible link. In response to concerns raised by local residents this is not part of the current proposal. However, this means that the only route is along Tanyard Lane, an unadopted, narrow and poorly maintained road. As the commercial area would remain there would be conflict between hgv and pedestrians/cyclists especially at the narrowest section just before Rudhall Meadows. The only alternative that could be made available would be through the former sawmills and laundry sites, both of which are in the applicant's ownership and control. Realistically however this could only be provided up to one year after the first houses are scheduled to be occupied. The Traffic Manager's response to this will be reported at the Committee Meeting.
- 6.6 A further concern raised in the representations is the maintenance of the open areas. The public open space and main incidental landscaped areas would be adopted by the Council subject to a commuted sum. It is proposed that the hedge and planted area to the south of Arundel, Blenheim and Chatsworth Closes would be the responsibility of residents. In the developer's view this would be more likely to ensure that the planting was regularly maintained.
- 6.7 The Draft Heads of Terms of a planning agreement are included as an appendix to this report. The sums proposed are based on the agreed Heads of Terms for the outline application but adjusted as 87 rather than 200 dwellings are proposed in this application. An additional clause would be required if a commuted sum for the play area is agreed.

## RECOMMENDATION

**That subject to being satisfied regarding pedestrian/cycle links, noise and layout:**

- (i) The Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 as set out in the Draft Heads of Terms**

**and any additional matters and terms as he considers appropriate**

(ii) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any other conditions considered necessary by officers:

**1 A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 B01 (Samples of external materials)**

**Reason: To ensure the external materials harmonise with the existing building.**

**3 G04 (Landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**4 G05 (Implementation of landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**5 If, during development (Phase 1), contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.**

**Reason: To prevent pollution of the water environment and ensure the site is remediated.**

**6 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies designed and constructed to have a capacity and details compatible with the site being drained. Roofwater drainpipes shall be connected to the drainage system either directly or by means of back inlet gullies provided with sealing plates instead of open gratings.**

**Reason: To prevent pollution of the water environment.**

**7 Finished floor levels shall be set no lower than 37.1m AOD unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the dwellings from flood risk for the lifetime of the development.**

**8 There shall be no new buildings (including gates, fences, walls and sheds) or raising of ground levels within the 1% plus climate change floodplain (36.5m AOD) or within 7 metres of the top of any bank of the Main River**

(Rudhall Brook) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain access to the watercourse for maintenance and improvements and provide for overland flood flows.

- 9 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system including the use of Sustainable Urban Drainage Systems, as detailed within the FRA dated September 2007, has been submitted to and approved in writing by the Local Planning authority. Surface water generated from the site shall be limited to the equivalent Greenfield runoff rate for the site. The scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the LPA, in consultation with the Environment Agency.

Reason: To prevent the increased risk of flooding and provide water quality benefits by ensuring the provision of a satisfactory means of surface water disposal.

- 10 W01 (Foul/surface water drainage)

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

- 11 W02 (No surface water to connect to public system)

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

- 12 W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 13 W04 (Comprehensive & Integrated draining of site)

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

- 14 No development shall commence until a habitat enhancement scheme for wildlife and biodiversity based upon the Habitat Appraisal and Protected Species Survey Report (dated April 2003) which shall include a 20m conservation strip along the Rudhall Brook and specific measures for water voles has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To comply with the policies NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 (UDP) in relation to Nature Conservation and Biodiversity, to meet the requirements of PPS9 and to conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with policies NC6, NC7, NC8, NC9 of UDP and PPS9.

- 15 Prior to the occupation of any of the dwellings a management plan, to include proposals for long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space, play areas and for nature conservation including a timetable for implementation, shall be submitted to and be approved in writing by the local planning authority. The management plan shall be carried out as approved.

Reason: To ensure that the use and maintenance in perpetuity of the open spaces, play areas and areas for nature conservation is assured.

- 16 The scheme of noise attenuation measures for protecting the proposed dwellings from noise from the A40(T) road and the adjoining commercial premises shall be completed before any of the permitted dwellings are occupied.

Reason: To protect the residential amenities of the future occupiers of the properties.

- 17 Before any other works are commenced the roundabout shown on drawing 50390/100 rev C hereby approved shall be constructed and shall be the only means of vehicular access for construction traffic to the development hereby approved.

Reason: In the interests of highway safety and the amenities of residents.

- 18 No development within the application area shall be occupied unless the mitigation proposals as shown on Drawing No. 50319/003 rev C has been completed to the satisfaction of the local planning authority after consultation with the Highways Agency.

Reason: To ensure that the A40 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

- 19 No development shall take place until details of the temporary access to the A40(T) for construction traffic have been submitted to and approved in writing by the local planning authority. The approved temporary access shall be implemented before any other works are undertaken and shall be the only means of vehicular access for construction traffic to the development hereby approved.

Reason: In the interests of highway safety and the amenities of residents.

- 20 Before the occupation of any of the dwellings hereby approved, the roundabout shown on drawing no. 50390/100 rev. C shall be constructed.

Reason: In the interests of highway safety and the amenities of residents.

- 21 H11 (Parking - estate development (more than one house))

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**22 H29 (Secure covered cycle parking provision)**

**Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.**

**23 No dwelling shall be occupied until the emergency vehicular access arrangements have been provided in accordance with details which have been submitted to and approved in writing by the local planning authority.**

**Reason: To ensure access by emergency vehicles.**

**24 H27 (Parking for site operatives)**

**Reason: To prevent indiscriminate parking in the interests of highway safety.**

**25 H21 (Wheel washing)**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.**

**26 During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00am-6.00pm, Saturday 8.00am-1.00pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents.**

**27 No materials or substances shall be incinerated within the application site during the construction phase.**

**Reason: To safeguard residential amenity and prevent pollution.**

**28 No vehicular access shall be formed from the residential development hereby approved to Tanyard Lane.**

**Reason: In the interests of highway safety.**

**29 The plans and particulars submitted in accordance with condition no. 3 above shall include:**

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 m above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;**
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of**

- each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

**30 H30 (Travel plans)**

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.

**INFORMATIVES:**

**1 The Environment Agency recommends that developers should:**

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to the website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

**2 N19 - Avoidance of doubt**

**3 N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

**Background Papers**

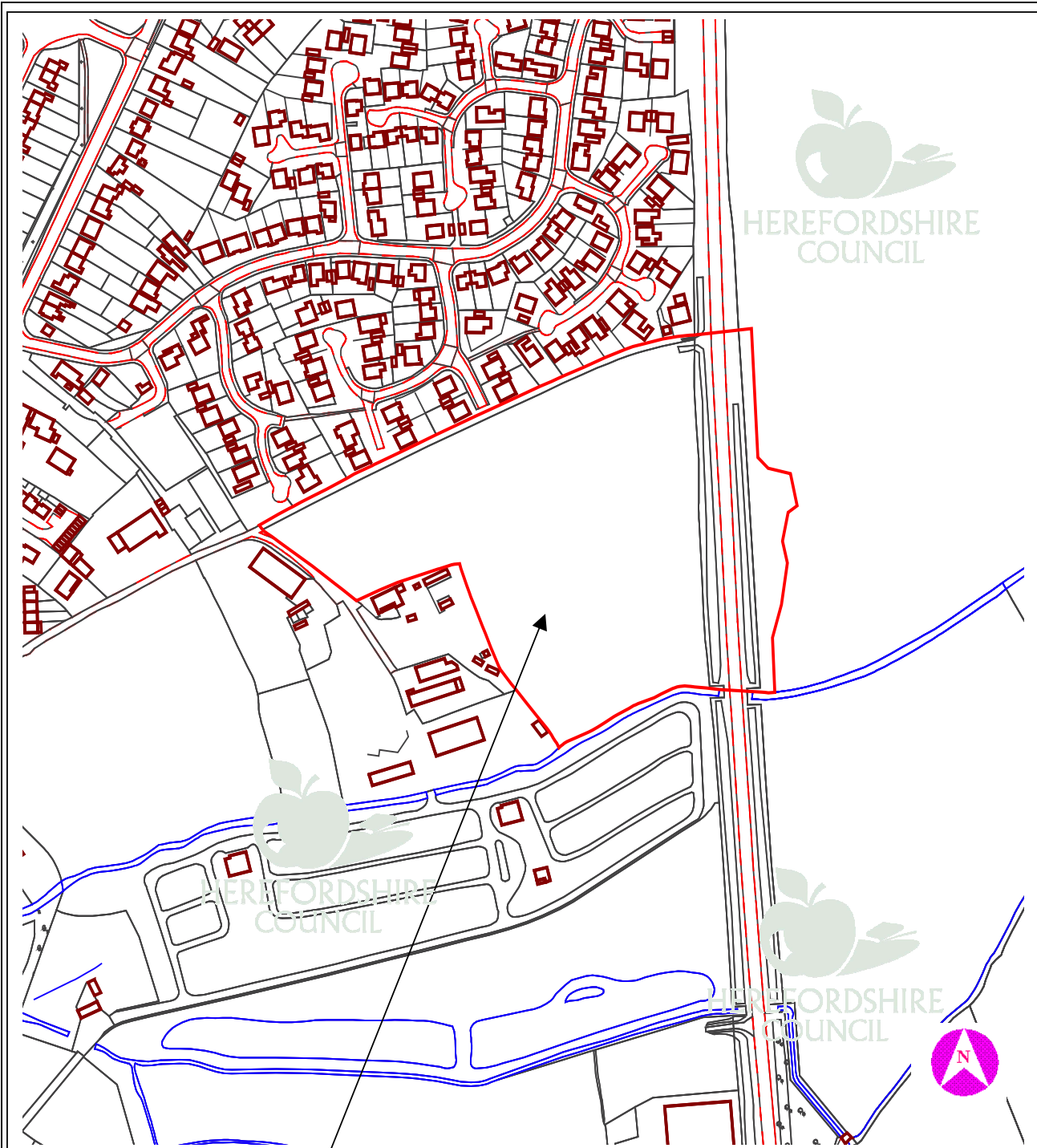
Internal departmental consultation replies.

**DRAFT HEADS OF TERMS**

1. The developer covenants with the Council, in lieu of the provision of formal sports/recreation facilities on the Application Site to contribute to the Council the sum of £86,215.00 [Pro rata share of £200,500]. The payment shall be made prior to the first occupation of any of the dwellings permitted.
2. The Council shall use the monies paid under Clause 1 as a contribution towards the provision of formal sports facilities, for shared use, at John Kyrle High School, Ross on Wye.
3. The developer covenants with the Council to pay the sum of £152,892.52 [Pro rata share of £355,564] as a contribution towards the provision of education facilities at John Kyrle High School. The sum is to be paid prior to the first occupation of any of the dwellings permitted.
4. In the event that the Council does not for any reason use any part of the said sum of Clauses 1 and 3 for the purposes specified in the agreement within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by the Council, with interest.
5. Affordable Housing
  - a) The applicant covenants with the Council to provide Affordable Housing within the application Site. The provision shall be the construction of 30 affordable dwellings (35% of the total).
  - b) The provision of Affordable Housing shall be in accordance with the requirements of the Council's Supplementary Planning Guidance – Provision of Affordable Housing – March 2001 (Updated November 2004).
  - c) The tenure and type of the Affordable Housing shall be agreed through the provision of an Affordable Housing Brief for which specific properties are identified on the approved layout.
  - d) The applicant shall procure the construction of the Affordable Housing in accordance with the current Housing Corporation development standards and "Lifetime Home" standards with no Affordable Housing grant input, and in accordance with the considerations listed in the Affordable Housing Brief for the scheme.

- e) The affordable dwellings will be completed for transfer to the Registered Social Landlord prior to the occupation of the 43<sup>rd</sup> market dwelling on the site (75% of the 56 market dwellings)
6. The developer/applicant covenants with the Council to pay a commuted sum to provide for the adoption by the Council of the public open space/linear park to be provided on site as part of the development. The payment shall be calculated in accordance with the Council's current standards for "Planning and Design for Open Space: Standard Requirements for new Housing Developments".
  7. The developer/applicant covenants to pay the Council the sum of up to £7,740.00 [Pro rata share of £18,000] to provide transportation facilities necessary to serve and associated with the development. The sum is to be paid prior to the first occupation of any of the dwellings permitted.
  8. The Council shall use the monies under Clause 7 for the following purposes: -
    - a) For a contribution towards the Safer Routes to School for John Kyrle High School. (£3,000.00)
    - b) Footway improvement schemes in Ledbury Road. (£4,740.00).
  9. In the event that the Council does not for any reason use the said sum of Clause 7 for the purposes specified in the agreement in Clause 8 within 10 years of the date of payment, the Council shall repay to the developer the said sum or such part thereof, which has not been used by the Council, with interest.
  10. The developer agrees with the Council that the adjoining former timber yard in its ownership will not be operated as a timber yard following the commencement of the development.
  11. Upon completion of this Agreement, the Owner shall pay to the Council the Council's reasonable and proper costs in the preparation and completion of this Agreement.
  12. The Owner agrees with the Council that the sums payable under this Agreement by the Owner to the Council shall be adjusted according to any increase in the BCIS all in tender price index published by RICS occurring between the date of this of this Agreement and the date the relevant sum becomes payable.





This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCSE2008/0095/F

**SCALE :** 1 : 3398

**SITE ADDRESS :** Land at Tanyard Lane, Ross-on-Wye, Herefordshire, HR9 7BH

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005