

**DEFERRED APPLICATION**

**1 DCSE2003/2323/F - DEMOLITION OF FARM BUILDINGS. RE-DEVELOPMENT OF LAND FOR 66 HOUSES, CONVERSION OF BARN, PROVISION OF OFF-SITE DRAINAGE AND RE-ALIGNMENT OF FARM TRACK AT LAND FORMERLY PART OF VINE TREE FARM, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE**

**For: Lovell Partnerships, River House, Ynysbridge Court, Gwaelod-y-Garth, Cardiff CF15 9YY**

**Date Received: 15th August 2003      Ward: Ross-on-Wye East      Grid Ref: 59287, 22502**

**Expiry Date: 10th October 2003**

Local Members: Councillor Mrs C J Davis and Councillor Mrs A E Gray

**1. Site Description and Proposal**

- 1.1 The Committee deferred determination of this application so that additional information could be obtained regarding traffic calming measures along Walford Road. These details are included in paragraph 4.4 below.
- 1.2 The application site comprises a farm complex and adjoining agricultural land. It is situated on the west side of Walford Road opposite the Vine Tree Inn Public House and immediately to the south of Purland. The western boundary is formed by the former railway line, part of which is a special wildlife site. It is thus on the south-western edge of Ross on Wye. The farm complex occupies about half of this 2.8 ha site and includes a small stone barn and attached byre together with a range of modern buildings, which were last used as a dairy unit. The farmhouse is not included in the application site.
- 1.3 It is proposed to erect 66 houses of which 24 would be "affordable" and one created from the conversion of the stone barn. A new access would be formed off Walford Road at the south-east corner of the site, with the main estate road extending to the north. Short shared surface drives would extend off the main access road around which houses would be arranged informally. A longer shared surface access road would loop back to rejoin the estate road. The remaining houses would front the main estate road. Apart from a terrace of 4, 3-storey houses close to the access off Walford Road the units would be 2-storeyed. All would be of brick construction with tiled roofs. There would be 12 different house types but a more limited number of styles: narrow terrace houses, some with hipped end units, typical ridged roofed detached houses, and 3 with hipped roofs.
- 1.4 A landscaped strip, about 15 m wide would be formed along the southern boundary, which would include an "attenuation pond" as part of the surface water drainage system. The latter would involve the construction of a "swale", a drainage channel extending across the adjoining agricultural land. A small children's play area would also be provided within the estate. The applicant has confirmed that financial

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contributions would be made to the improvement of a public open space to the north-west of the site and to traffic calming along Walford Road.

### 2. Policies

#### 2.1 Planning Policy Guidance

|       |  |
|-------|--|
| PPG1  | General Principles   |
| PPG3  | Housing  |
| PPG7  | The Countryside: Environmental Quality and Economic and Social Development |
| PPG13 | Transport  |

#### 2.2 Hereford and Worcester County Structure Plan

|              |                                     |
|--------------|-------------------------------------|
| Policy CTC.1 | Areas of Outstanding Natural Beauty |
| Policy H20   | Housing in Rural Areas              |
| Policy H16A  | Housing in Rural Areas              |
| Policy H18   | Housing in Rural Areas              |
| Policy A1    | Development on Agricultural Land    |

#### 2.3 South Herefordshire District Local Plan

|                        |  |
|------------------------|--|
| Policy C.1             | Development within Open Countryside                      |
| Policy C.2             | Settlement Boundaries                                    |
| Policy C.4             | Areas of Outstanding Natural Beauty Landscape Protection |
| Policy C.5             | Development within Areas of Outstanding Natural Beauty   |
| Policy C.9             | Landscape Features                                       |
| Policy C.11            | Protection of Best Agricultural Land                     |
| Policy C.40            | Essential Services                                       |
| Policy SH.5            | Housing Land in Ross on Wye                              |
| Policy SH.15           | Criteria for New Housing Schemes                         |
| Policy SH.22           | Public Open Space in Residential Areas                   |
| Policy GD.1            | General Development Criteria                             |
| 2 (Part 3, Chapter 37) | New housing developments in Ross on Wye                  |

#### 2.4 Unitary Development Plan – Deposit Draft

|            |  |
|------------|--|
| 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 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  |

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Policy H19

Open Space Requirements

### 3. Planning History

- |     |            |                       |                   |
|-----|------------|-----------------------|-------------------|
| 3.1 | SH931354OI | Residential housing   | - Refused 2.2.94  |
|     | SH940298O  | Erection of 39 houses | - Refused 20.4.94 |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 The Environment Agency has no objections in principle but recommends conditions be imposed regarding surface water drainage.
- 4.2 Welsh Water recommend that conditions be imposed regarding surface water drainage.
- 4.3 The Forestry Commission confirms that there will be no effect on nearby semi-ancient woodland.

#### Internal Council Advice

- 4.4 Head of Engineering and Transportation recommends that conditions be imposed. Comments on the impact of the revised layout on public footpaths are awaited.

With regard to traffic calming measures along Walford Road the intention to implement a scheme by the end of 2004 is confirmed. The stages required to implement a scheme are:

- Data collection (traffic volumes, speeds and accident data)
- Options/concept design
- Public consultation and consultation with Police etc.
- Member approval
- Detailed design\*
- Construction

\*If design includes any humps or a change of speed limit, then there is a statutory consultative process required in addition.

Timescales are very dependent on resources available and competing priorities. [The scheme is expected to be designed by our partners Owen Wilimas Ltd and constructed by partners HJS.](#) This requires putting the scheme into the "Joined Up Programme" and agreeing timescales with [Owen Williams & HJS.](#) [Subject to that](#) achievement of an autumn completion date is possible provided no humps are required (with their attendant extra process). A speed limit change need not delay the scheme as that could follow on from the works. Other possible delaying items are failure to get any sort of consensus from public consultation or disagreement between members and the public.

As far as funding is concerned the costs are heavily dependent on what the scheme turns out to be. However it is difficult to argue that the contribution of £20k offered by the developer is unacceptable. [Provided that the full Local Transport Plan allocation from government is retained for transport purposes](#) there should be no problem in funding the scheme.

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- 4.5 Chief Conservation Officer is generally pleased with the landscaping proposals and environmental management plan but has reservations regarding details of the landscaping scheme and of the conversion of the stone barn and byre. Evidence of bats using the farm buildings has been found and of nesting birds. A bat survey would be required and mitigation measures. (These matters are being discussed with the developer). It is also pointed out that the western part of the site is likely to be largely undisturbed. Roman finds have been recorded from Tudorville and pottery and flint artefacts from within the south-west quadrant of the application site. Accordingly an archaeological assessment and evaluation is necessary.
- 4.6 Strategic Housing Services support the application and in particular the provision of affordable housing. A registered social landlord has been selected and the number of affordable units agreed. However the mix, tenure and location need further negotiations.
- 4.7 Director of Education points out that there would be sufficient capacity at John Kyrle High School and Walford Primary School but temporary classrooms may be required at Ashfield Park Primary School. Nevertheless in view of falling school rolls does not object to the proposed development.
- 4.8 Head of Environmental Health has no objections to the proposal.

### 5. Representations

- 5.1 The applicant has submitted a detailed Supporting Statement which includes a traffic impact study, details of an environmental management plan and design principles. The following is a brief summary of the case for development set out in the statement:
- The planning application supported by this document covers the construction of 66 new homes ranging from new 2 bedroom to 5 bedroom homes and a barn conversion.
  - The application includes 24 new affordable homes.
  - The proposal will provide just under 1 acre of new amenity land and includes a financial contribution to upgrade the Public Open Space at The Purlands.
  - A safe new highway access will be provided with associated traffic calming measures.
  - The proposal incorporates measures to protect the important ecological sites in the immediate locality but will also provide new wildlife habitats.
  - The development will make a significant contribution to meeting the future housing need in Ross on Wye by 2006 if site construction works commence in January 2004

- 5.2 Town Council's observations are as follows:

“Originally this application was for approximately 25 dwellings. The proposal is considered to be an over-development of the site and considerable cramming. Also the 30 mph limit is too close to the entrance of the development.”

- 5.3 Walford PC points out that:

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"Although this development is not in Walford, it will impact directly on all parishioners accessing Ross on Wye, the nearest town. The Parish Council has the following concerns:

1. The access road to the estate joins the busy B4234 at a dangerous corner. There is no other access for emergency vehicles.
  2. The proposed 'gateway' 30 mph posts met with derision. They look like guard posts, only lacking their sentries. They will not withstand the passage of many combine harvesters. The proposed chicaning met with approval.
  3. The traffic circulation in Ross needs re-thought before another 100-odd cars are released onto the roads.
  4. It is hoped that the drainage of storm-water is closely monitored to prevent any possible damage to Coughton Marsh SSSI and increased flooding down river.
  5. The landscape buffer zone, especially to the south, should be planted early in the development.
  6. The estate street lighting should not add to the light pollution from Ross.
  7. The ridge height of the proposed three storey units should not exceed the actual ridge height of the Vine Tree Inn.
  8. The materials used should be restrained in colour. In particular, the bricks should match those of the older small, dark-red bricked council-built houses in Tudorville.
  9. That sufficient places in local schools will be available."
- 5.4 Ramblers Association state that the line of footpath WA3 must be maintained and request that a new path be created along the former railway line, as an extension to Betzdorf Walk.
- 5.5 Open Space Society object to the proposals as no diversion of footpath WA3 is shown and RA32 would be obstructed. Also the requirements of Circulars 2/93 and 5/95 regarding open aspects for paths, lighting and away from vehicular traffic.
- 5.6 A petition containing 214 signatories has been submitted by Tudorville Residents Association objecting to the proposal. The petition points out that there is almost unanimous support against any further development until effective traffic calming along the whole length of Walford Road carried out - residents are desperate for such measures. The Association held an open meeting on 27 August 2003 : the main concerns regarded Walford Road, in particular the volume of traffic, no traffic calming and parking outside Post Office/store. An additional concern was the safety of elderly with disabilities and children who need to catch buses and go to the shop.
- 5.7 29 copies of a photocopied letter of objection have been received. The letter refers to (i) the large number of cars that would be generated (over 100 assuming 1.5 per dwelling) (ii) it is already dangerous for residents of Vine Tree Park Homes estate to enter Walford Road (iii) Walford Road is heavily used and majority of vehicles exceed speed limit on entering the town (iv) permission should be refused until adequate traffic calming i.e. raised traffic islands at entrance to site and near Roman Way or speed cameras.
- 5.8 Two letters of objection have been received. The following reasons are given:
- (1) Additional traffic would further congest town centre - traffic from southern part of Ross nearly all funnelled through Copse Cross bottleneck or adds to misery of residents of Alton Road/Alton Street.

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- (2) Walford Road is unsafe because of speed of traffic rounding bend at Vine Tree Public House and a roundabout is needed.
  - (3) Proposed traffic calming (pillars with 30 mph signs) are nonsense and access needs to be moved nearer Walford, before farm track access and with countdown markers preceding them.
  - (4) Dangerous moving farm track to unrestricted section of highway.
  - (5) Adequacy of parking is queried and whether it would result in cars parking on Walford Road.
  - (6) Building on farm land.
  - (7) Loss of footpath to Purland and also question temporary closure of other footpath (WA3).
  - (8) Questioned whether young or needy of Ross could afford the housing.
  - (9) Great concern regarding dust/dirt and noise and length of working day [presumably during construction].
  - (10) Concern over interruption to local electricity supply.
  - (11) Are 66 or 75 homes proposed - supporting document refers to latter.
- 5.9 Ross on Wye and District Civic Society has no overall objection but points out the need to maintain the public footpath (part of historic routway).

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

### 6. Officers Appraisal

- 6.1 The South Herefordshire District Local Plan shows this site as lying outside the settlement boundary and therefore in open countryside. Policy C1 of this plan seeks to protect the open countryside, only allowing small developments in exceptional circumstances ie developments related to agriculture, forestry, sustainable recreation/tourism development or for replacement dwellings or a re-use of a rural building. This policy of restraint outside the settlement boundary is repeated within Policy 2 of Part 3 of the plan at chapter 37 which focuses on Ross on Wye.

During the plan's preparation in the mid 1990's the Ross on Wye area had experienced high growth with the housing allocation for Ross being largely met. The policy for Ross on Wye was therefore one of general restraint with no new proposals identified and development limited to windfall opportunities (Policy SH5).

In light of the above this application is contrary to the current development plan principally due to its location outside the settlement boundary.

- 6.2 The Unitary Development Plan represents a new plan period with a requirement to find further land to meet the housing needs of the town up until 2011. As part of the preparation of the UDP a study was undertaken to identify all potential housing sites within the town boundary. Once this exercise was complete greenfield sites were considered to meet the town's housing land requirements. Ross is a constrained market town because of its landscape setting and flooding problems making it difficult to identify further development sites. It was considered that Vine Tree Farm would be a suitable greenfield opportunity for housing development and as such has been identified under Policy H2 as an allocation within the deposit Plan. The site is considered capable of delivering 60 units of which 35% (21) are to meet affordable

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housing needs in the town. The application is therefore in accordance with the deposit UDP.

6.3 Paragraph 48 of PPG1 states that planning applications should continue to be considered in the light of current policies in the adopted plan. However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption. The weight to be attached to such policies depends upon the stage of plan preparation, increasing as successive stages are reached. The UDP has now progressed through deposit stage and increasing weight can be attached to its policies and proposals. A key question therefore is whether sufficient weight can be given to UDP regarding this site to override the conflict with current statutory policies. In making this assessment the following inter-related factors must be considered.

1. Prematurity
2. UDP representations
3. UDP Phasing of Housing Sites
4. Housing Supply
5. Housing Need
6. Precedent

### **Prematurity**

6.4 A key consideration regarding the principle of development is whether granting planning permission for the proposal would be premature in advance of the adoption of the Unitary Development Plan. Paragraph 47 of PPG1 states that questions of prematurity may arise where a development plan is in preparation or under review, and proposals have been issued for consultation, but the plan has not yet been adopted or approved. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. A proposal for development which has an impact on only a small area would rarely come into this category; but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character.

6.5 Relating this to the application at Vine Tree Farm, it is considered that Ross on Wye is an important settlement and this is reflected in the settlement hierarchy of the plan, however, it is considered that the effect of developing the site would not have significant impact and would not undermine the overall strategy of the plan. 66 houses out of a total of 11,700 houses for the plan period represents only 0.5% of the total and even in Ross it is less than 10% of the overall total planned for the town during the plan period. It is therefore recommended that the issue around prematurity cannot be used as a reason for refusing this planning application.

### **UDP deposit representations**

6.6 34 individual representations were made to this site during the deposit period of the UDP of which 21 were objecting to the site being identified in the plan. These objections centred mainly on landscape and traffic issues as well as the apparent unsustainable location of the site relative to the services and facilities of the town

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centre. In addition there were several strategic objections with individuals promoting alternative sites.

- 6.7 These are all valid objections. It is considered that several of those relating to landscape and access issues can be addressed through the planning application process. However the objections which hold the most weight in planning terms relate to developing in an Area of Outstanding Natural Beauty. The AONB designation places special emphasis on conserving and enhancing the landscape (Policy LA21 of the UDP). Whilst residential development in the countryside necessarily changes the character of that area in this case there are a number of mitigating factors. Although not brownfield land about half of the site is occupied by unattractive and partly derelict agricultural buildings. Furthermore the established planting on the western boundary and attractive stone buildings along the Walford Road frontage restrict views of the site. The southern boundary which is the most sensitive visually would be landscaped as part of the proposal which in time would significantly reduce the impact of the development. It forms a continuation of the town into the immediately adjoining countryside, rather than being surrounded by open land. In these circumstances and given the need for further housing (see paragraph 6.11 below) and the limited sites within the town, it is considered that being an AONB site is not sufficient per se to justify refusal. Nevertheless this needs to be weighed against alternative site identified by objectors.
- 6.8 Ten alternative housing sites have also been put forward in Ross on Wye for consideration at the deposit stage of the plan. Several of these were considered and not supported at the South Herefordshire District Local Plan inquiry. Two alternative sites are similar to Vine Tree Farm as they are of a comparable size, lie outside but adjoining the boundary and within the AONB. One of the sites, Land north of Brampton Road was considered at the local inquiry into the South Herefordshire Local Plan and not supported on landscape and access grounds and these objections are being continued through the UDP. The other site at Arbour Hill again has not been recommended for support through the UDP process again due to access and highway concerns. In light of this it is not considered that these sites provide serious alternatives to the Vine Tree Farm allocation.

### Phasing

- 6.9 In relation to phasing the UDP identifies Vine Tree Farm as being developed in the first phase of the plan period 2001 - 2006. In order to meet this requirement the developers argue that the development process needs to be started now in order for them to achieve an end date of 2006. This is accepted.

### Housing Supply

- 6.10 During the period 2001 - 2006 it is anticipated that there will be 246 completions made up of 22 commitments, 54 windfalls and 170 from allocations. Allocations therefore make a significant contribution to overall land supply in Ross on Wye. Between 2001 and 2003 there were 57 actual completions in Ross on Wye which represents 23% of anticipated completions. The plan is half way through this phase period which means that completions should be nearer 50%. In addition as at 2003 there are only 75 commitments remaining. These figures demonstrate a significant shortage of land supply within the town. The current application site would add a further 66 to commitments which would then total 142 making a significant contribution to housing supply.



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### Housing Need

- 6.11 A Ross on Wye housing needs study has just been completed which clearly demonstrates the need for affordable housing. The final results show net need for 190 affordable homes in Ross on Wye over the next five years. Bearing in mind the land supply situation and the pressing need for affordable homes there is a case for releasing this site early, before the inspector's report, to assist in meeting this need. This site would meet approximately 25% of this overall need making an important contribution.

### Precedent

- 6.12 Allowing this application to proceed would not set a precedent for other UDP sites. This is an exceptional case. The Housing Needs Study demonstrates a pressing need for affordable homes and the Housing Land Study illustrates a shortage of housing land in the town. Allowing this site to progress would go along way to meeting this housing need and would keep the land supply going until at least the publication of the inspectors report.

### Conclusions

- 6.13 A careful weighing up exercise needs to take place to ensure the integrity of the development plan process is protected while still allowing the town of Ross to evolve allowing genuine housing needs to be met without at the same time creating a precedent which would allow other similar UDP sites coming forward. For the reasons given above it is considered that there are cogent reasons for accepting, in principle, that development of the site should proceed in advance of the adoption of the UDP.
- 6.14 A second set of issues relate to the merits of the submitted scheme. In general the layout and design of the houses are considered to be acceptable, providing some variety and interest. Detailed design concerns have been raised with the applicant and revised drawings will be submitted. Similarly the landscaping scheme, treatment of nature conservation issues and drainage scheme are acceptable and where further details are required or clarification is needed this can be effected by planning conditions.
- 6.15 Traffic issues are of particular concern to local residents. The revisions to the access have met the concerns of the Head of Engineering and Transportation who raises no objection to the principle of additional housing in this location. This recommendation is not dependant upon the implementation of traffic calming measures along Walford Road. The Head of Engineering and Transportation fully intends to implement the scheme this year. However there are a number of uncertainties in the process so that this cannot be guaranteed and if the scheme includes road humps and speed limit changes, with the additional consultation required, it is unlikely to be completed within that time-scale. Even if this proves to be the case the current proposal would not add significantly to traffic hazards along this section of the highway. The new access would meet generally accepted standards of visibility and the volume of traffic along Walford Road would not be excessive for the width and character of this road. Traffic calming measures will be implemented irrespective of whether this application is permitted or refused, and at worst there would be a gap between occupation of the proposed housing and completion of traffic calming. The concerns of local residents are appreciated but it is not considered that the uncertainty regarding implementation is

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grounds to refuse this application. As traffic calming is not necessary before the development can proceed a planning condition linking the two would not meet the tests of acceptable conditions set out in Circular 11/95

- 6.16 It is concluded that there are good reasons to treat this development as an exception to statutory policies and that subject to minor changes the detailed scheme is acceptable. The contributions towards POS and traffic calming and the provision of affordable housing need to be the subject of a planning agreement and this may also be necessary with regard to management of surface water drainage and nature conservation measures.

### RECOMMENDATION

**That subject to the receipt of acceptable revised drawings:**

- 1) **The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to financial contributions towards off-site provision of amenity facilities and traffic-calming measures and management of the surface water drainage arrangements, affordable housing and any additional matters and terms as considered appropriate.**
- 2) **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 additional 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 that the materials harmonise with the surroundings.**
  - 3 **G01 (Details of boundary treatments )**  
**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**
  - 4 **G04 (Landscaping scheme (general) )**  
**Reason: In order to protect the visual amenities of the area.**
  - 5 **G05 (Implementation of landscaping scheme (general) )**  
**Reason: In order to protect the visual amenities of the area.**
  - 6 **G11 (Retention of hedgerows (where not covered by Hedgerow Regulations) )**

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**Reason:** To ensure that the application site is properly landscaped in the interests of the visual amenity of the area.

**7 F48 (Details of slab levels )**

**Reason:** In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

**8 F20 (Scheme of surface water drainage )**

**Reason:** To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

**9 H03 (Visibility splays )**

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

**10 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.

**11 H17 (Junction improvement/off site works )**

**Reason:** To ensure the safe and free flow of traffic on the highway.

**12 H18 (On site roads - submission of details )**

**Reason:** To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

**13 H21 (Wheel washing )**

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

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

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

**15 H28 (Public rights of way )**

**Reason:** To ensure the public right of way is not obstructed.

### INFORMATIVE NOTES

**1 HN04 - Private apparatus within highway**

**2 HN05 - Works within the highway**

**3 HN08 - Section 38 Agreement details**

**4 HN09 - Drainage details for Section 38**

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- 5    **HN10 - No drainage to discharge to highway**
- 6    **HN13 - Protection of visibility splays on private land**
- 7    **HN19 - Disabled needs**
- 8    **N15 - Reason(s) for the Grant of Planning Permission**

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies