

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>25 JUNE 2014</b>
<b>TITLE OF REPORT:</b>	<p><b>P140684/O - DEVELOPMENT OF UP TO 290 DWELLINGS, INCLUDING AFFORDABLE HOUSING, PUBLIC OPEN SPACE, ACCESS, LANDSCAPING, GROUND MODELLING AND ASSOCIATED WORKS AT LAND EAST OF THE A40, ROSS ON WYE, HEREFORDSHIRE</b></p> <p><b>For: Markey Builders (Gloucester) Ltd per Hunter Page Planning, Thornbury House, 18 High Street, Cheltenham, Gloucestershire, GL50 1DZ</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140684">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=140684</a>

**Date Received: 6 March 2014**

**Ward: Ross-on-Wye  
East**

**Grid Ref: 361030,225146**

**Expiry Date: 6 June 2014**

Local Members: Councillors AM Atkinson and PGH Cutter

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

- 1.1 The application site is located on a large parcel of agricultural land of approximately 23 hectares lying to the east of Ross on Wye, adjacent to the A40, with the A449 to the north. It is bounded to the south by the Rudhall Brook with agricultural land further to the east.
- 1.2 The site slopes in a northerly direction where it eventually becomes flatter. Its immediate boundaries primarily consist of hedgerows to the east and west; although depleted in some areas and a belt of trees along the Rudhall Brook to the south. The northern boundary currently comprises a fence line with a service station and coffee shop further beyond.
- 1.3 The Tanyard Lane residential development; a permission for 87 dwellings, is currently under construction on a parcel of land on the opposite site of the A40. The permission included the construction of a new roundabout on the A40 which has been completed, is positioned to the southern end of this application site and provides access to it.
- 1.4 The site is approximately one kilometre to the east of Ross on Wye town centre and approximately 1.2 kilometres from the boundary of the River Wye Area of Outstanding Natural Beauty (AONB).
- 1.5 The application comprises a development of up to 290 residential dwellings, 35% of which will be affordable, and provision of public open space, access and other associated works. The application is made in outline with all matters apart from access reserved for future consideration.

- 1.6 It is proposed to provide access via the roundabout serving the Tanyard Lane development. A new 'arm' will be created which will run into the site and provide access to southern part of the site. The scheme also proposes the construction of a second new roundabout on the A40 to serve the northern section of the development. The accompanying Transport Assessment and associated drawings provide full details of the proposed access arrangements and show that the carriageway width will be narrowed to 6.1 metres on the approaches to both roundabouts.
- 1.7 The plans also show the provision of new pedestrian crossings directly to the south of both roundabouts. The alterations involved with the creation of the new roundabout also show the creation of a new 3 metre wide shared footway and cycle lane on the western side of the A40, linking the crossing point to Ledbury Road. To the south, the application proposes a new 3 metre wide shared footway and cycle lane along the eastern side of the A40 to the Hildersley roundabout.
- 1.8 The application also includes an illustrative layout plan which provides a broad indication of areas to be developed and the inclusion of significant green spaces to the south and east.
- 1.9 The application is also accompanied by the following documents:
- Design and Access Statement
  - Transport Assessment and draft Travel Plan
  - Landscape and Visual Impact Assessment
  - Ecological Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Archaeological Survey
  - Statement of Community Involvement
  - Heads of Terms Agreement
  - Noise Assessment Report
- 1.10 The applicant also submitted a request for an Environmental Impact Assessment (EIA) Screening Opinion to determine whether the proposal was likely to constitute EIA development. The Council's adopted screening opinion stated that the proposed development would not have significant effects on the environment and that therefore the development is not EIA development as defined by the Town and Country Planning (Environmental Assessment) Regulations 2011.

## 2. Policies

### 2.1 National Planning Policy Framework

The following sections are of particular relevance:

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design
Section 8	-	Promoting Healthy Communities
Section 11	-	Conserving and Enhancing the Natural Environment

### 2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use Activity
DR3	-	Movement
DR4	-	Environment

DR5	-	Planning Obligations
DR13	-	Noise
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H19	-	Open Space Requirements
T8	-	Road Hierarchy
LA1	-	Areas of Outstanding Natural Beauty
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
CF2	-	Foul Drainage

### 2.3 Herefordshire Local Plan Core Strategy – Deposit Draft

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RW1	-	Development in Ross on Wye
RW2	-	Land at Hildersley
H1	-	Affordable Housing – Thresholds and Targets
H3	-	Ensuring an Appropriate Range and Mix of Housing
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Local Distinctiveness
LD2	-	Landscape and Townscape
LD3	-	Biodiversity and Geodiversity
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
ID1	-	Infrastructure Delivery

### 2.4 Neighbourhood Planning

Ross on Wye Town Council has successfully applied to designate their Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The area was confirmed on 9 September 2013. The Town Council will have the responsibility of preparing a Neighbourhood Development Plan for that area. There is no timescale for proposing/agreeing the content of the plan at this early stage, but the plan must be in general conformity with the strategic content of the emerging Core Strategy.

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

### **3. Planning History**

- 3.1 None identified specifically for this application site. However planning permission for the erection of 87 dwellings and associated infrastructure, including the construction of a new roundabout on the A40 (DCSE2008/0095/F) is relevant.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Environment Agency: The majority of the site lies in Flood Zone 1. As the site is greater than 1 hectare the Council are referred to their standing advice regarding the requirements for the completion of a Flood Risk Assessment.
- 4.2 Welsh Water: No objection subject to the imposition of conditions to ensure that foul and surface water are disposed of separately.
- 4.3 Natural England: No objection to this proposal. It is noted that there is further potential to deliver environmental gains and would welcome the provision of priority habitat as a part of a high quality green infrastructure corridor on site.

It is noted that the site is within the immediate setting of the Wye Valley AONB. It is also noted that the Council's own urban fringe sensitivity analysis highlighted this land's contribution to maintaining the quality of the AONB. That local assessment is important and should be given great weight in determining this application.

The applicant's Landscape and Visual Impact Assessment concludes that there will be limited effects on views from the AONB, but visual effects need to be considered alongside effects on landscape character. Given that the development would constitute an extension to the town of Ross on Wye (which is within the AONB) it may significantly alter the character of that part of the town, how the settlement relates to its wider landscape setting and therefore that whole section of the AONB boundary.

It is of course possible that the proposed site layout and extensive green infrastructure, or further revision to their design, would enable the development to be accommodated without a significant impact on the purpose of designation.

- 4.4 Highways Agency: Have raised no objection to the application

#### Internal Council Advice

- 4.5 Transportation Manager – No objection subject to the imposition of conditions. Detailed comments on the suite of highway improvement works are as follows:

The concern with the development is the treatment of the A40 from the Overross to Hildersley roundabout. This section of the A40 has always been seen as a trunk road, an extension of the A40, A449, and the M50, wide and straight. The introduction of the roundabout for the Tanyard Lane does assist in reducing speeds in this location. The concern remained on how the development could reduce the impact of the A40 as a road and introduce a street environment whereby pedestrians and cyclist would be able to cross the A40 and link to Ross-on-Wye.

- 4.6 There are 4 desire routes from the site, these are:

- Schools off Ledbury Road
- Town Centre - Tanyard Lane

- Hildersley roundabout and the Town and Country Trail to access the Industrial areas including Model Farm
  - Employment to the North crossing the trunk road (Ross Labels).
- 4.7 The link to Ross labels is a concern for the HA. The other 3 links have been put forward in drawing number SK03 Rev B. The proposal introduces footway cycle links and an additional roundabout south of Overross, the footway cycle link to Hildersley roundabout must link to the Town and Country Trail.
- 4.8 To facilitate crossing of the A40, two controlled crossings are proposed, on their own this would not be acceptable, but it is proposed to change the environment from the traditional A40 by reducing the width of the carriageway at the approaches of the roundabout and introduce gateway features. The applicant has put forward measures to suppress speeds and influence driver behaviour between Hildersley and Overross roundabout such as red surfacing and hatching, further surface treatment as necessary which could form transverse strips or edges to give the impression of narrowing the carriageway width. If the design requires further narrowing this can be accommodated when building the footway cycle link, or the introduction of the central reserve.
- 4.9 The new roundabout proposed is a compact roundabout. In order to work effectively it requires sufficient traffic flow from each arm to prevent vehicles moving along the A40 with minimal deflection (without needing to reduce speed).
- 4.10 The highway improvement works described above would be subject to detailed design and would be the subject of a S38 and S278 Agreement. I am satisfied the S278 Agreement gives sufficient mechanisms to ensure the design of the A40 roundabout will provide as safe an environment as possible for the site and the travelling public. The design will be subject to the Design Check and Safety Audit process built in to the S278 process.
- 4.11 The site does not currently benefit from a bus service and therefore contributions through a Section 106 Agreement will be required introduce a public transport service. This will include provision and improvements to public transport infrastructure - passenger waiting facilities. A contribution should also be made to provide a new controlled crossing facility on Ledbury Road to accommodate pedestrian movements from the site to John Kyrle High School.
- 4.12 Conservation Manager (Ecology) – No objection subject to condition.
- 4.13 Archaeology – No objection subject to condition.
- 4.14 Public Rights of Way Manager - The applicant's plans appear to show public footpath RR2A in the correct position, and that it will remain unaffected by the development. Therefore no objection is raised to the proposal.
- 4.15 Education – No objection subject to the provision of financial contributions as outlined in the Heads of Terms Agreement that accompanies this application.
- 4.16 Housing Development Manager – No objection subject to the provision of affordable housing in accordance with the Draft Heads of Terms Agreement.
- 4.17 Land Drainage Engineer - There are no objections in principle on flooding or drainage grounds, subject to the provision of a detailed drainage strategy that incorporates SUDS principles and infiltration test results prior to construction.
- 4.18 Environmental Health Officer: Contaminated Land: Having reviewed the location of the site it is noted that it is to the south of a petrol station. Petrol stations are a potentially contaminative use and sometimes it is possible for leaks to migrate off site. With the precautionary principle

in mind the imposition of conditions to further investigate potential contamination is recommended.

4.19 Environmental Health Officer: Noise: It is recommended that the grant of any outline permission is on condition that any application for the detail of the development is accompanied by a new noise assessment with noise mapping to show the levels of noise affecting the houses and outdoor areas. The assessment should demonstrate how acceptable levels of noise will be achieved and the design and layout should aim to achieve the best practicable standards of noise levels for the development. This is required as road works associated with the on-going residential development at Tanyard Lane opposite may have influenced the results of the original assessment.

4.20 Parks & Countryside Manager: Comments awaited

## **5. Representations**

5.1 Ross Rural Parish Council: Objects to the application on the grounds of lack of connectivity. The proposed linkages to the town centre for pedestrians and cyclists are inadequate, compounding its likely traffic generation effects. The development will also exacerbate the existing pressures on the social infrastructure of the town. The Council has a further concern about the lack of any natural boundary to further development.

5.2 Ross Town Council: No objection. Members were disappointed not to be consulted over the draft Heads of Terms at an earlier stage. They wish it to be noted:

- 1) On site play space – depending on the outcome of the Community Governance Review. Consideration should be given to the newly formed parish council of the area rather than Herefordshire Council.
- 2) Members support Herefordshire Council in terms of sports provision, outdoor sports provision and sustainable transport but would like to discuss details of proposed expenditure. They would like reassurance that the proposed cycleway/footpath to Hildersley links safely to the Town and Country Trail, and crossings over the A40 are light controlled.

5.3 Campaign to Protect Rural England: Object to the application. In summary the points raised are as follows:

- Views from Ross, from the Wye Valley AONB, from the A449, the A40 and also from Public Footpath RR2A will all be adversely affected.
- The additional proposed roundabout, south of the existing roundabout on the A40/A449 will exacerbate the considerable and sometimes dangerous access onto the existing busy roundabout.
- The proposal to have 290 homes in this area is against the recommendations of the Core Strategy which selected Hildersley as the best strategic site for the required housing (200 houses) with the Overross area ruled out.
- The potential danger to future residents and service traffic, and in particular, to residents' children, if these homes are built, appears to be an overriding reason for rejection of the proposal.

5.4 Ross Civic Society: Object to the application. In summary the points raised are as follows:

- The addition of a second roundabout will have undesirable consequences for traffic.
- The proposal to create cycle tracks along the A40 towards Hildersley will not create satisfactory links without either an underpass or footbridge.
- The scheme will irrevocably change what is a highly visible agricultural landscape.
- The threat of further expansion towards the M50 is not addressed.

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Further information on the subject of this report is available from Mr A Banks on 01432 383085

- The future of the Council's chosen strategic site at Hildersley will be called into question if this application is approved.

5.5 Open Spaces Society: Object to the application. They do not concur with the view expressed by the Council's Public Rights of Way Officer and are of the opinion that the route of the footpath will be affected at its northern end.

5.6 Twelve letters of objection have been received in response to the statutory consultation period. In summary the points raised are as follows:

- The site lies beyond the settlement boundary as defined by the UDP.
- The proposal will undermine the Council's strategic land allocation for 200 dwellings at Hildersley.
- The site was not considered as being appropriate for development at the Draft Preferred Options Stage in July 2010 due to concerns about landscape sensitivity and limited vehicular access.
- The Core Strategy should be given considerable weight as it is at an advanced stage.
- This will open the floodgates for further development on land between Ross on Wye and the M50.
- The A40 presently forms a defined edge to the town and this should be retained.
- The scale of the development is questioned and it is suggested that it would make more sense to have smaller plots throughout the town.
- The site is separated from the town by the A40. It is a busy road and crossing it represents an unacceptable hazard to pedestrians.
- The proposal will see a substantial increase in traffic movements. The road network will be unable to cope.
- The proposal lacks connectivity and the possibilities of either an underpass or bridge have been discounted.
- There will be unacceptable levels of disruption during construction.
- Ross does not have the infrastructure to support the further development that is proposed. This includes schools, doctors and dental surgeries which are already at capacity, as well as the emergency services.
- The scheme will result in unacceptable landscape impacts and will detrimentally affect the setting of the Wye Valley AONB.

5.7 Two letters of support have also been received. In summary the points raised are as follows:

- The proposal will provide much needed dwellings for Ross on Wye.
- It will help to support the local high street and vibrancy of the area.
- The scheme is sympathetic to the local environment with plenty of green spaces.
- The speed limit on the A40 should be reduced.
- The scheme will provide social housing and is key to the regions growth.

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

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

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

[www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage](http://www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage)

## 6. Officer's Appraisal

### Principle of Development

- 6.1 The issue of the Council's lack of a five year housing land supply has been well rehearsed over recent months by other applications and appeal decisions for residential development on land falling beyond defined residential areas.
- 6.2 In order to establish a degree of consistency in the absence of housing policies that are considered to be up-to-date with the NPPF the Council has adopted an interim protocol for the consideration of applications that would otherwise be contrary to housing policies contained within the UDP. It accepts that appropriate residential development outside the development boundaries of main settlements may be permitted to help address the housing shortfall, subject to all other material planning considerations, and specifies that sites should be located adjacent to main settlements. This approach is consistent with the NPPF which presumes in favour of sustainable development.
- 6.3 The site has been assessed in the 2012 Strategic Housing Land Availability Assessment (SHLAA) and is considered to have significant constraints. In considering whether it is suitable for development the assessment comments as follows.
- 6.4 This site lies on the dual carriageway and is physically separated from the town having no relationship with the town's services and facilities. Southern boundary is weak. The site has significant landscape constraints; however housing could be developed on the site at a cost to the landscape setting of the town. Significant landscape buffer would be required to the east to help contain and screen potential development.
- 6.5 Notwithstanding the fact that the site is considered to have significant constraints the assessment does conclude that it is suitable for development and has the potential to accommodate up to 550 dwellings. It is therefore considered that the principle of development is acceptable. The site is sustainable in accordance with the NPPF and the key determining factors are considered to be whether the landscape impact of the proposed development can be appropriately mitigated and whether an appropriate level of connectivity can be achieved between the site and town centre. There are a number of other important material planning considerations which include whether the proposal is premature and will unduly affect the delivery of the Core Strategy, the potential impact of the proposal on the surrounding highway network, flood risk and drainage and ecology. These matters will all be considered in the following paragraphs of this report.

### Prematurity

- 6.6 One of the letters objecting to the application is concerned that the application is premature. It opines that the Draft Core Strategy is at an advanced stage and that if this application is approved it will undermine the plan-making process by predetermining the location of the urban extension for Ross-on-Wye which is central to the emerging Local Plan.
- 6.7 The emerging Core Strategy outlines a projected requirement for 900 new dwellings in Ross on Wye over the plan period. It also identifies a strategic site on land at Hildersley on which it is envisaged that around 200 dwellings will be provided. This is the only strategic site for the town, leaving a shortfall of 700. With extant planning permissions and as yet un-developed sites identified in the UDP taken into account, this figure is reduced to 475 dwellings.

Paragraph 14 of the National Planning Practice Guidance (NPPG) offers some useful advice on the matter of prematurity. It advises that refusals on the grounds of prematurity will usually be limited to circumstances where both:



- a) The proposal is so substantial or that its cumulative effect is so significant that to grant planning permission would undermine the plan-making process by pre-determining decisions about scale, location or phasing of new developments that are central to an emerging Local Plan or Neighbourhood Planning; and,
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

6.8 The advice in the NPPG specifically goes on to state that:

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local authority publicity period.*

At present the emerging Core Strategy is subject to a further period of public consultation and has yet to be submitted for examination. The Neighbourhood Plan area has been agreed for Ross on Wye and was adopted on 9 September 2013, but until the Core Strategy is at an advanced stage a detailed document will not be produced. In light of this it is your officers' view that a reason for refusal based on the grounds of prematurity cannot be justified.

#### Landscape and Ecological Impacts

- 6.9 The applicant's visual appraisal concludes that the site is clearly visible from a few publicly accessible viewpoints, and that it is barely discernible from the AONB due to the topography, existing development and existing belts of mature trees and hedgerows. Having assessed the site and the surrounding area your officers concur with this. The substantive elements of the Wye Valley AONB lie to the west and are intersected by the built form of the town. There are no clear views of the site from the AONB. Any views that might be gained from public vantage points to the east are similarly seen in the context of the town, and particularly the 20th century residential developments that lie immediately to the west of the A40.
- 6.10 There is limited inherent landscape quality on the site itself as the majority of it; approximately 13 hectares, comprises one large agricultural field. The contribution that it makes is a cumulative one with the wider rural area and the positive effect that this has on the setting of Ross on Wye. There is a lack of development to the south and east and this large tract of land does form part of the rural setting of the town. The low-lying damp meadows along Rudhall Brook are considered to be the most important landscape and biodiversity feature and therefore should be protected from development.
- 6.11 The illustrative plan has due regard to the significance of the Rudhall Brook through the retention of a substantial tract of land along the southern boundary for agricultural use. The plan also indicates the creation of a new hedgerow to define this area and also suggests new planting throughout the development and the effect of this is to create a degree of visual containment that has been eroded through the previous removal of hedgerows to allow the intensive farming of the land.
- 6.12 The A40 and residential environs of Ross on Wye immediately to its western side create a hard urban edge to the town. Whilst the proposal clearly extends beyond this, the illustrative plan leaves another large area of open space along the eastern boundary, shows development with a feathered edge to soften its visual impact and suggests the reinforcement of the hedge along the eastern boundary. It is considered that this represents a significant package of mitigation measures that will help to create links to the open countryside and limit any perceived impact upon the setting of the Wye Valley AONB. It is therefore considered that, subject to the submission of a detailed landscaping scheme based on the illustrative proposals shown, the proposal accords with Policies LA1, LA2 and LA3 of the UDP.

- 6.13 As stated in earlier paragraphs, due to the agricultural use of the land, the site has limited biodiversity value, the main area of value being the area immediately surrounding Rudhall Brook. The ecological survey that accompanies the application concludes that, subject to its recommendations for biodiversity enhancement the development proposals will have no adverse effects on any statutory or non-statutory designated sites.
- 6.14 The scheme retains the majority of hedgerows, with only very minor losses to facilitate access. New hedgerow and tree planting will more than offset the very minor losses to the hedgerows and other habitat creation/enhancements such as species-rich grassland and attenuation basins will enhance the site in ecological terms over the existing situation. As such, it is considered the proposals accord with Policies NC1, NC6, NC7 and NC8 of the UDP.

#### Highways and Connectivity

- 6.15 The Transport Assessment that supports the application concludes that safe and appropriate access arrangements can be provided to serve the scheme and that the addition of development traffic is not forecast to have a material impact on the strategic and local highway network. It further concludes that the proposed development is sustainably located and that the pedestrian and cycle connections proposed to be provided as part of the scheme will enable future residents to travel on foot and on cycle to local amenities.
- 6.16 Paragraph 32 of the NPPF is key to the highway impact debate where it states;
- Plans and decisions should take account of whether improvements can be undertaken within the transport network that cost effectively mitigate the significant impacts of the development. Development should only be presented or refused on transport grounds where the residual cumulative impacts of the development are severe.*
- 6.17 The Highways Agency initially issued a direction not to approve the application pending the submission of further review by the applicant's transport consultant of the Transport Assessment and Travel Plan. This has been completed to their satisfaction and they have removed their direction.
- 6.18 The Council's Transportation Manager has provided detailed comments regarding the highway improvement works proposed and is content that they will secure the degree of connectivity required between the site, town and the allocated employment site at Model Farm to the south.
- 6.19 Some letters of objection have suggested that, if approved, the proposals should include either the provision of a bridge or underpass as a means of pedestrian crossing of the A40. The scheme includes two controlled crossings and this is the preferred method in respect of current industry standards. Evidence suggests that pedestrians will use the most direct route to cross; i.e. at surface level, and that other solutions such as bridges or underpasses are not well used. The proposal is to be determined on the basis of the measures included in the application and your officers are satisfied that they will mitigate the impacts of the proposal.
- 6.20 Some objections are concerned that there would be unacceptable levels of disruption during construction. Although it is not clear, it is assumed that this is in reference to the requirement for further road works to provide a second access. It is accepted that such highway works would cause a level of disruption to vehicle movements for a period whilst construction works are completed, but this is not reason in itself to withhold permission.
- 6.21 In conclusion, it is your officers' view that the proposal does provide the degree of connectivity required. The Transport Assessment submitted with the application demonstrates that the proposal will not unacceptably compromise highway safety and that there is sufficient capacity within the road network; particularly at the junction of the A40 and A449 at the Overross roundabout. This has been confirmed by the response from the Highways Agency who have

not objected to the application. It is therefore considered that the proposal accords with the requirements of Paragraph 32 of the NPPF as outlined above, and policies H13 and T8 of the UDP.

#### Service Capacity

- 6.22 Some of the correspondence received opines that existing services are currently at capacity and will be unable to accommodate the development proposed, with particular reference made to schools, doctors and dental surgeries and emergency services. Conversely, the letters of support received put forward a contrary debate that additional development is required to support local services.
- 6.23 The Draft Heads of Terms makes provision for education contributions for schools within the locality and the applicant's agent has confirmed that their client is content to meet this. No evidence is provided to suggest that other services are at capacity.

#### Conclusion

- 6.24 The application successfully demonstrates that the scheme proposed meets the concerns regarding the delivery of the site in respect of landscape impact and connectivity. The NPPF is clear at Paragraph 14 that local planning authorities should approve proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out-of-date should also grant permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- 6.25 Your officers are sufficiently contented that there are no material planning considerations that significantly outweigh the benefits of granting permission and that the proposal is compliant with other policies contained within the NPPF. Subject to the completion of a Section 106 Agreement the application is recommended for approval.

### **RECOMMENDATION**

**That subject to the applicants signing a Section 106 agreement in accordance with the Town and Country Planning Act 1990 that Outline planning permission be granted subject to the following conditions:**

- 1. A02 Time limit for submission of reserved matters (outline permission)**
- 2. A03 Time limit for commencement (outline permission)**
- 3. A04 Approval of reserved matters**
- 4. A05 Plans and particulars of reserved matters**
- 5. E01 Site investigation - archaeology**
- 6. The recommendations set out in Sections 5.2 and 5.3 the ecologist's report from Ecological Solutions Ltd. dated January 2014 should be followed in relation to the identified species and habitats. Prior to commencement of the development, a full working method statement for ecological works including the species mitigations with the full habitat protection and enhancements proposed should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved. An appropriately qualified and experienced ecological**

clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

**Reason:** To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework

7. L01 Foul/surface water drainage
8. L02 No surface water to connect to public system
9. L03 No drainage run-off to public system
10. L04 Comprehensive & Integrated draining of site
11. Foul flows only from the proposed development shall be discharged to the 375mm public combined sewerage system located in Over Street, at or downstream of manhole SO60242601.

**Reason:** To protect the integrity of the public sewerage system and to comply with Policy CF2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

12. No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

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

**Reason:** In order that any potential risks from contaminated land are properly assessed and to comply with Policy DR10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

13. The Remediation Scheme, as approved pursuant to condition no. (12) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

**Reason:** In order that any potential risks from contaminated land are properly assessed and to comply with Policy DR10 of the Herefordshire Unitary Development

**Plan and the National Planning Policy Framework.**

- 14. Prior to the commencement of the development hereby approved the applicant or any successor in title shall enter into an agreement under Section 278 of the Highways Act 1980 to determine the extent and precise details of highway improvement works required along the A40. The works as approved shall be completed in accordance with a timetable to be submitted to and agreed in writing by the local planning authority.

**Reason:** In order to provide an appropriate means of access to the site and to comply with Policies H13 and T8 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 15. I13 Scheme to protect new dwellings from road noise
- 16. H17 Junction improvement/off site works
- 17. H21 Wheel washing
- 18. H30 Travel plans

**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. HN01 Mud on highway
- 3. HN04 Private apparatus within highway
- 4. HN05 Works within the highway
- 5. HN07 Section 278 Agreement
- 6. HN08 Section 38 Agreement & Drainage details
- 7. HN10 No drainage to discharge to highway

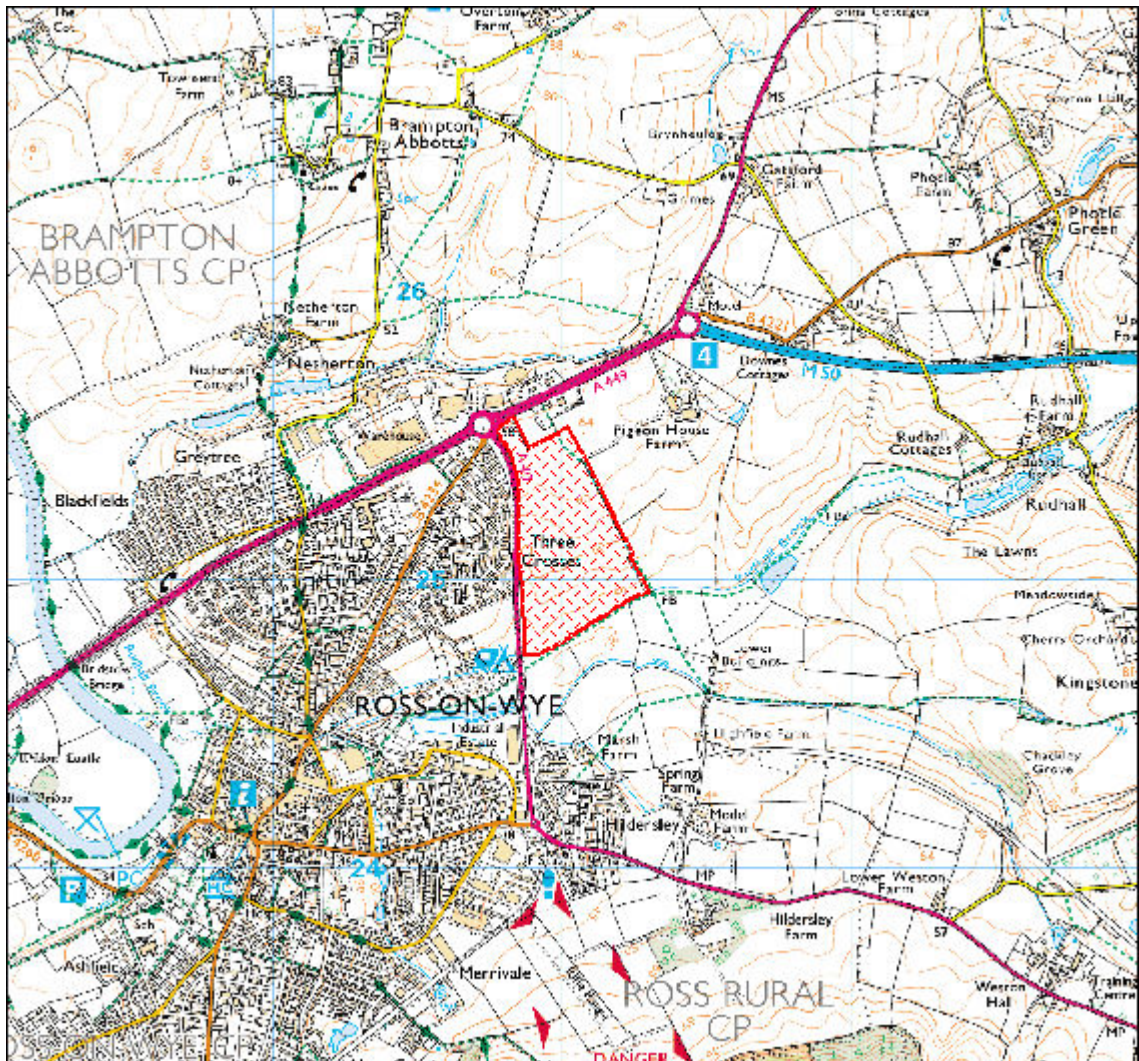
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 140684/O

**SITE ADDRESS :** LAND EAST OF THE A40, ROSS ON WYE, HEREFORDSHIRE

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Further information on the subject of this report is available from Mr A Banks on 01432 383085