

MEETING:	PLANNING COMMITTEE
DATE:	16 JULY 2014
TITLE OF REPORT:	<p>P141526/O - PROPOSED RESIDENTIAL DEVELOPMENT (UP TO 110 DWELLINGS), ACCESS, PARKING, PUBLIC OPEN SPACE WITH PLAY FACILITIES AND LANDSCAPING AT LAND SOUTH OF HAMPTON DENE ROAD, HEREFORD</p> <p>For: Gladman Developments Ltd per Planning Prospects Limited, 4 Mill Pool, Nash Lane, Belbroughton, Worcestershire DY9 9AF</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=141526

Date Received: 27 May 2014

Ward: Backbury

Grid Ref: 353504,239909

Expiry Date: 26 August 2014

Local Member: Councillor J Hardwick

Adjoining Ward Members: Councillors JLV Kenyon, MD Lloyd-Hayes and CA North

Introduction

Outline planning permission with all matters bar access reserved is sought for the erection of up to 110 dwellings with landscaping which includes public open space, allotments and a structural planted 'buffer' on land south of Hampton Dene Road, Hereford.

The application is a revised resubmission of an earlier outline application for the erection of up to 120 dwellings (S132851/O), which is subject to an appeal against non-determination. That application was reported to Committee on 2 April 2014 and the appeal will be heard at Public Inquiry commencing on 30 September. The Committee resolved that it would have been minded to delegate authority to officers to refuse the first application as contrary to saved Unitary Development Plan (UDP) policies LA2, LA3, LA4, HBA4 and NPPF paragraph 109.

In response, the number of dwellings for which planning permission is sought has been reduced to 110 and the structural landscaping along the site's north-eastern boundary towards the Lugg Meadows is enhanced. The means of access to the site and the principles regarding site layout, affordable housing and public open space remain as per the appeal scheme.

1. Site Description and Proposal

1.1 The site is situated in the parish of Hampton Bishop which lies on the eastern edge of Hereford City. The land lies outside the settlement boundary and was identified as land with no potential during the Plan Period in the Herefordshire Strategic Housing Land Availability Assessment (SHLAA).

- 1.2 There is a distinct division between the modern built edge / townscape to the west and open countryside to the east which is clearly marked by Holywell Gutter Lane (and its associated vegetation), which runs roughly north – south along the ridgeline and forms the site’s south-western boundary.
- 1.3 To the east of the site is arable farmland, the land sloping down to the River Lugg valley and then rising towards Lugwardine to the north east. The Wye Valley Area of Outstanding Natural Beauty (AONB) is visible to the south-east some 3.8km distant. To the south there are orchards and beyond, the River Wye.
- 1.4 To the north, beyond the properties and grounds of Hampton Dene and Tupsley Court, is the A438 and beyond is the Upper Lugg Meadow.
- 1.5 The site area is approximately 4.7 hectares. It comprises a grassed field currently used for horse-keeping, and there is a small stable / storage area. The boundaries of the site are variously established native species hedgerows (with good, mature oak along Holywell Gutter Lane), bramble scrub, occasional trees and dense woodland along the north-western boundary of the site adjacent to Hampton Dene Road. There is a mature oak in the middle of the field which is an important local feature.
- 1.6 The majority of the site is flat but it slopes away along the eastern and south-eastern boundaries. The site is well-screened from most viewpoints to the north, south and west but it is visible from several viewpoints to the north-east, east and south-east and from public rights of way adjacent to, and close to the site.
- 1.7 A single point of vehicular and pedestrian access is proposed directly from Hampton Dene Road. This is a modification of the existing access to the site and the Grade II listed Meadow Cottage which backs onto the application site. The access would comprise a 5.5m carriageway with 2.0m footways on either side and would be formed so as to provide 4.5m x 45m visibility splays to the nearside of Hampton Dene Road in each direction. The formation of this access would necessitate removal of a section of the existing low stone wall which defines the carriageway’s edge and some of the existing tree cover associated with the Unregistered Park and Garden at Hampton Dene House.
- 1.8 The application is accompanied by a wide range of supporting material including the following:-
 - Planning Statement;
 - Design and Access Statement and Development Framework Plan;
 - Landscape and Visual impact Assessment;
 - Ecological Appraisal;
 - Transport Assessment and Travel Plan;
 - Summary Statement of Community Involvement;
 - Drainage and Flood Risk Assessment; &
 - Arboricultural Assessment.
- 1.9 The Design and Access Statement (DAS) sets out the aspirations for the development, setting out the intention to utilise a street hierarchy influenced by Manual for Streets, with opportunities taken to make connections to the existing settlement via the local footway network; including direct access onto Holywell Gutter Lane. The Development Framework Plan shows a ‘street’ running through the site from north-west to south-east from which a series of secondary roads spur.

- 1.10 The revised Development Framework Plan also omits the originally proposed attenuation basins in response to Welsh Water's original comments. It is now intended to increase the capacity of below ground storage of surface water and land drainage, with this pumped at an agreed attenuated rate to the mains in Hampton Dene Road.
- 1.11 The application also proposes more significant structural planting to the eastern boundary, with dwellings pulled further from this boundary and the planting enhanced. On the northern boundary provision is made for allotments. As with the earlier application a buffer zone is also intended against the common boundary with the Grade II listed Meadow Cottage. The plan also indicates the proposed location of public open space next to the veteran oak tree on site.
- 1.12 The application is also accompanied by a Housing Land Supply Study. This confirms the deficit that has been identified by the Inspector's decision in relation to the Home Farm, Belmont appeal (S122747/O) and is acknowledged in the Council's published Housing Land Supply Interim Position Statement (May 2014) – which suggests a housing land supply of between 2.09 and 2.6 years depending upon the method employed to calculate the housing requirement.
- 1.13 The Council has adopted a Screening Opinion in relation to proposals for 95, 110 and 120 dwellings on this site and considers that none represent development requiring the submission of an Environmental Statement.

2. Policies

2.1 National Planning Policy Framework (NPPF)

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 Saved Policies of the Herefordshire Unitary Development Plan 2007 (UDP)

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
HBA9	-	Protection of Open Areas and Green Spaces
T8	-	Road Hierarchy

LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
ARCH3	-	Scheduled Ancient Monuments
ARCH6	-	Recording of Archaeological Remains
CF2	-	Foul Drainage

2.3 Herefordshire Local Plan – Draft Core Strategy

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
RA1	-	Rural Housing Strategy
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

Hampton Bishop has a designated Neighbourhood Plan Area. The area includes the application site. Whilst a draft plan has been prepared it is not sufficiently advanced towards adoption to attract weight for the purposes of decision taking.

2.5 Other Relevant National and Local Guidance / Material Considerations

National Planning Practice Guidance (2014)
 Annual Monitoring Report
 Five year housing land supply (2013-2018) Interim Position Statement
 Urban Fringe Sensitivity Analysis
 Planning for Growth – 2011
 Laying the Foundations – 2011
 Housing and Growth – 2012
 Green Infrastructure Strategy

2.6 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 132851/O – Residential development (up to 120 dwellings), access, parking, public open space with play facilities and landscaping at land South of Hampton Dene Road, Hereford.

Appeal lodged against non-determination to be heard via public inquiry in September. The Planning Committee resolved on 2 April 2014 that it would have been minded to delegate authority to officers to refuse the application as being contrary to saved UDP policies LA2, LA3, LA4, HBA4 and NPPF 109.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: No objection subject to conditions. There are no anticipated problems with treatment of foul drainage or the supply of drinking water.
- 4.2 Environment Agency: No response, but no objection to the appeal scheme S132851/O.

Internal Council Advice

- 4.3 Traffic Manager:

The additional traffic generated by the proposal has the potential to impact the signalised junction at Ledbury Road/Folly Lane/Church Road; as indicated by the addendum assessment provided in relation to the 120 dwelling scheme. However, the flows predicted to join Ledbury Road at the Hampton Dene Road junction and then travel westbound under the 120 dwelling scheme was only 33 vehicles in the morning peak hour and will be proportionately less under this scheme. The impact would remain in the region of an increase of 4% for the westbound traffic flow. The assessment assumes, moreover, that all trips joining Ledbury Road will arrive at the signals, which are close to saturation. However, in practice, a proportion of existing A438 westbound traffic in the morning peak currently uses the Whittern Way route to Folly Lane and some cuts through Winchester Drive and onwards to access A438 at Quarry Road. A similar, but opposite direction of travel, scenario occurs in the evening peak. This alleviates the flows on Ledbury Road at the signals.

It is likely that some of the development traffic may also choose these routes. It may also be that more of the development traffic travels south west from the site and onwards through the residential area via Old Eign Hill and Vineyard Road to access B4224 Hampton Park Road and enter the city centre via that route in the morning peak and the reverse in the evening peak. Whilst the re-routing of traffic through residential areas is undesirable, if all the development traffic re-routed through one of those routes, it would only equate to one vehicle every two minutes which is minimal.

Furthermore, if greater queuing occurs on Ledbury Road westbound at the signals, as indicated in the assessment, then it is also likely that drivers travelling on A438 from further field may choose an alternative route such as from A438 Bartestree to A4103 at Whitestone and on to Hereford via that road, or from Dormington via Mordiford and then on B4224 through Hampton Bishop to Hereford. Therefore the effect on the signals may not be as predicted. Paragraph 32 of the National Planning Policy Framework states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". "Severe" is not defined and is therefore open to interpretation. I am of the view that the resultant traffic impact of the development would not constitute a severe impact, and therefore would not form transport grounds for refusal, particularly as in sustainable terms the site is well placed for schools, local facilities, colleges and with regular (half hourly) public transport to/from the city centre from nearby stops on Hampton Dene Road. Section 106 contributions/off-site highway works will enable improvements to travel by

sustainable modes to encourage greater usage of those modes, thereby mitigating, at least in part, the residual impact of the development.

4.4 Conservation Manager (Landscapes): Objection.

The proposed development comprises up to 110 dwellings with landscaping which includes public open space and a structural planted 'buffer' along the site's eastern boundary. This application is a variation of a previously submitted scheme on the same site (Ref. 132851/O), which is currently the subject of an appeal.

There are minor differences in the proposals. As far as I have ascertained these are:

- Up to 110 dwellings as opposed to 120;
- Replacement of proposed tree planting along the northern boundary of the site (adjacent to Hampton Dene House, to 'mitigate' for the removal of trees at the new access point) with allotments;
- Increased area of landscape buffer to eastern edge of site;
- Omission of attenuation ponds;
- Reduction in area of central public open space.

The landscape and visual effects reported in the LVIA for this application are unchanged from those in the original assessment apart from a slight reduction in long term (beyond year 15) residual visual effects for receptors at Refs 7 and 8 (effects are predicted to reduce from Minor to Moderate Adverse to Minor Adverse).

The revised scheme is not materially different from the original. I consider that the principle of development of this type in this location is unacceptable and the significance of effects on landscape character, visual amenity and heritage assets still have the potential to be Major Negative. The landscape comments issued for the previous application (Ref. 132851/O) therefore apply to the new one. The previous conclusions are set out below:

Development in this prominent, historic and sensitive location would be inappropriate and out of keeping with both local and wider landscape character. It would give rise to major negative effects on landscape character and visual amenity.

The development does not comply with Policy DR1 in particular Para. 3: the effects on 'townscape and landscape character and topography, including the impact of the proposal on urban vistas, longer distance views and ridgelines' are likely to be moderate to major adverse on a local level.

For the reasons set out above the development is contrary to Landscape Policies LA2 Landscape character and LA3 Setting of settlements.

The proposed development is likely to give rise to adverse impacts on the setting of the adjacent listed building which is contrary to Policy HBA4 Setting of listed buildings.

The application should be refused.

4.5 Conservation Manager (Ecology): No objection subject to the imposition of conditions.

4.6 Conservation Manager (Building Conservation): Objection

Part of the historic interest and significance of Meadow Cottage is its rural setting. The building was constructed as a standalone, rural dwelling that was actually quite isolated within its setting. It also had a physical connection with the landscape of Hampton Dene. This setting has already been affected by more recent development but the proposed scheme will

fundamentally and unfavourably transform its setting. The fabric of the building and the significance of that fabric would not be directly affected by the proposals but the setting of the building would be substantially harmed by the proposals. The scheme would complete the encroachment of modern development around Meadow Cottage and fully isolate it from its rural, original context.

Given that the proposed development also encroaches on the unregistered garden of Hampton Dene House, the proposals also physically separate two heritage assets from each other and undermine the historic character and appearance of the area. As an outline application, there is little detail on which to fully assess the application but given the amount of development and the proposed indicative site layout, the proposed scheme would be intrusive and inappropriate within this setting. The unregistered garden, a heritage asset, would be directly affected and substantially harmed by the proposals – to the detriment of the local area – and there is no clear justification or public benefit that would outweigh this harm. This applies also to the harm caused to the setting of the grade II listed Meadow Cottage.

The proposals fail to accord with policies HBA8 and HBA4 which seek to protect the setting of listed buildings and the special interest of locally important buildings/heritage assets. The proposals also fail to accord with NPPF policy relating to the setting of listed buildings (paragraphs 132 and 133) or to non-designated heritage assets (paragraph 135).

4.7 Land drainage: No objection in principle to the proposals for an outline application, subject to the following matters being addressed through a reserved matters application:

- The Applicant should provide more information with regards to the risk of groundwater flooding to the development. Having provided trial holes indicating shallow groundwater we would expect the Applicant to discuss this risk and any mitigation required to ensure that risks of flooding posed to property or the potential users of the site have been appropriately mitigated.
- The Applicant should also demonstrate they have considered the risk of flooding in the event that the proposed surface water system fails or a rainfall event greater than the 1 in 100 year rainfall event, including an allowance for climate change, occurs. Whilst surface water is free to discharge off site in this event, it should be demonstrated where this flow would go such that no unacceptable risk is being introduced to neighbouring property.

Following adequate consideration of these items, we would recommend that pre-commencement planning conditions be applied requiring:

- Infiltration test results should be provided in the locations of proposed soakaways. These should be undertaken in accordance with the methodology laid out in BRE Digest 365 to inform the design prior to construction;
- Where infiltration is feasible, the use of infiltration to discharge surface water should be maximised on site. Where infiltration is not feasible, an attenuated discharge to a watercourse must be considered. Where neither is feasible, an attenuated discharge to a public sewer is acceptable;
- Demonstration that above ground storage of attenuated runoff has been considered in preference to below ground storage;
- Confirmation should be provided that the invert level of soakaways should be at least 1m above the groundwater level on site;
- Where the surface water drainage strategy is altered, updated calculations are required to demonstrate that infiltration and/or attenuation of surface water is designed such that there will be no flooding of the on-site drainage system in all rainfall events up to the 1 in 30 year event and no unacceptable flood risk to the proposed development or discharge of flood waters to adjacent land in all rainfall events up to the 1 in 100 year flood event, including the relevant allowances for climate change in accordance with NPPF;

- Confirmation of any adoption agreements relevant to the management of surface water and confirmation of who will be responsible for maintenance of the different aspects of the Applicant's proposed system should be provided;
- Evidence of adequate separation and/or treatment of polluted water (including that from vehicular areas) should be provided to ensure no risk of pollution is introduced to groundwater or watercourses, both locally and downstream of the site. The use of SUDS should be prioritised.

4.8 Principal Leisure and Countryside Officer: No objection.

The developers have agreed to provide on-site provision to include public open space and Children's Play requirement. The total area of 0.63ha, including 400sq m LEAP and 750sq m of allotments exceeds the UDP policy requirement of 0.3ha for a development of this size. The developer has also agreed to provide an off-site contribution towards outdoor sports to meet identified needs as provided by the evidence base: Playing Pitch Assessment for Hereford and the emerging Investment Plan and identified project at Aylestone Park to provide a junior football hub for the city. The level of contribution towards an off-site sports pitch contribution based on the market housing only would equate to approximately £68,500. This is based on predicted occupancy rates at £420 per person.

4.9 Public Rights of Way Manager: The proposal does not appear to affect the bridleway HER47 (Holywell Gutter Lane), although the developer will need to liaise with the Public Rights of Way Section in order to agree points of connection to the bridleway.

4.10 Environmental Health Manager: No objection in relation to the submitted Air Quality Assessment

4.11 Schools Capital and Investment Manager: Negotiations are on-going in relation to the extent of the contribution towards primary and secondary provision. The developer has however accepted the principle of making a contribution towards meeting short-term capacity deficits at the catchment schools.

4.12 Housing Development Manager: The scheme proposes 35% of the units to be affordable, which is acceptable. The affordable units need to be tenure neutral and well integrated within the development. The units would need to be built to Homes and Community's Design and Quality Standards, Lifetime Homes and Level 3 of the Code for Sustainable Homes with local connection to Hereford. The units should comprise an appropriate mix of 1, 2, 3 and 4-bed units built to minimum space requirements. The recommended tenure split is 54% social rent and 46% intermediate tenure, this will allow an option of intermediate rental, shared ownership or low cost market.

4.13 Archaeological Advisor: No objections, but in accordance with policy ARCH6 of the UDP and Para 141 of the NPPF, would advise inclusion of the standard 'programme of work' archaeological condition to provide mitigation.

5. Representations

5.1 Hampton Bishop PC: Objection.

Herefordshire cannot currently demonstrate a five year housing land supply. Planning policy for housing in the UDP must therefore be considered out of date. The emerging Core Strategy at this stage can only be given limited weight.

This planning application should therefore be determined with regard to the current housing land supply position and also whether the proposals would give rise to any adverse impacts,

particularly having regard to the character and appearance of the area and increasing flood risk elsewhere.

The Parish Council are of the opinion that the proposal does affect the character and appearance of the area, and would lead to increased flood risk elsewhere, particularly the village of Hampton Bishop. These impacts significantly and demonstrably outweigh the benefits of the scheme (see also Home Farm appeal decision APP/W1850/A/13/2192461)

Flooding

The village of Hampton Bishop is subject to continual surface water flooding. The main road (B4224), Rectory Road, Church Lane and Whitehall Road are all periodically impassable. When the River Wye and /or River Lugg are in spate, much of the village road and ditch system is below river level, protected only by the flood banks. It follows that the surface water has nowhere to go until the river levels drop.

Most of the surface water originates from the Hampton Park/Tupsley area of the City, and follows the natural gradient down the B4224 into the village.

As the applicant's Flood Risk and Drainage report indicates the application site drains naturally to the east and south east towards the Lugg Valley and then the village of Hampton Bishop. Run-off from the site will only increase with creation of such a large built development. This will exacerbate the already severe flooding problem in Hampton Bishop. The applicant's Flood Risk and Drainage report makes no assessment of the increased flood risk this will create elsewhere, i.e. Hampton Bishop. This is clearly contrary to national planning policy contained in para.103 of the NPPF, and policies S2, particularly paragraph 2; and DR4 of the Unitary Development Plan.

Character and Appearance of the Area

The development will have a significant impact on the character and appearance of the area. The steep ridge between the edge of the City and the River Lugg is a key element in the setting of Hereford when approaching from the east. This means the landscape to the east of the city has retained a relatively rural and tranquil character.

The view from the East (Lugwardine area) across the Lugg Valley towards Hereford has a unique, rural, and very special character. Although the application includes some screening measures they would not be sufficient to prevent a significant change in the setting of the City and a significant interruption in to the rural and tranquil quality of this area. The site is identified as being High Sensitivity in the Council's Urban Fringe Sensitivity Analysis (2010). Site is prominent within the above views and is seen as a modern intrusion into open countryside.

There are several important views from high level public points within the Wye Valley AONB west/northwest into Hereford. This development will have a detrimental effect on these views and planting which require many years to grow to a level to screen these views. Planting in itself will be a visual intrusion into the views which is out of character and inappropriate in the landscape.

Map 3.1 of the Urban Fringe Landscape Sensitivity Analysis shows the Gladman site within an area of High Landscape Sensitivity which indicates no potential for housing in the SHLAA.

Hampton Bishop Parish Council therefore opposes the application because it is contrary to policies S1; S7; DR4; LA2; and LA3 of the Unitary Development Plan.

- 5.2 Hereford City Council: Whilst we appreciate the need for more housing we feel that building down the Hereford ridge line and towards the Lugg floodplains is not desirable.

5.3 Neighbour/notice: 7 letters of objection have been received from local residents. The content is summarised as follows:-

- The peak traffic on Hampton Dene Road coincides with school drop-off and pick-up, during which times the road becomes heavily congested;
- Vehicles often park on both sides of the carriageway leaving little room for cars to pass;
- Pavements and driveways are also frequently blocked by waiting parents;
- Emergency access during these provisions is compromised;
- Adding more vehicles onto Hampton Dene Road will result in increased potential for accidents; there has been a fatality locally involving a cyclist since the original scheme went before Members;
- Parents of children within easy walking distance of the school will still use cars;
- The site is a wildlife habitat and should be preserved as such;
- Great Crested Newts have been found locally and the site's potential as habitat/refuge for larger populations should be considered.
- The local schools are at capacity. New development should be directed to areas where capacity in catchment schools exists;
- The development will bring additional pressure to bear on the doctor's surgery.

5.4 The applicants have provided a response to the landscape comments reported at 4.4 above. The content is summarised as follows:-

- The Council agrees that the development will not have an adverse effect on the AONB;
- The assertion that Holywell Gutter Lane constitutes a logical boundary to development is errant. It is an ancient landscape boundary that has been breached in the relatively recent past by residential development at Copsewood Drive and elsewhere;
- Existing residential development is, to varying degrees, visible in the wider landscape when viewed from the east;
- A high quality landscaping scheme will significantly reduce any localised effects on views towards Hereford in the medium to long term;
- The scheme promotes a low-density edge to the eastern boundary, set behind enhanced buffer planting. The proposed tree planting *is* in keeping with the local landscape character;
- Particular care has been taken to retain and enhance key landscape features as an integral part of the scheme;
- Meaningful buffers have been located in relation to the setting of Meadow Cottage and Hampton Dene House;
- There are relatively few visual receptors in the landscape in the east and these are at a significant distance from the site.

5.5 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-etails/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

6.1 The application is made in outline with all matters reserved except for access and involves the erection of up to 110 dwellings on land south of Hampton Dene Road. The site is outside but adjacent to the settlement boundary for Hereford City as defined by the Unitary Development Plan, but falls within the parish of Hampton Bishop. The application is an amended resubmission of application S132851/O and proposes 10 fewer dwellings, the provision of allotments as part of the public open space provision and enhanced landscaping along the site's north-eastern boundary towards open countryside beyond. The key issues are considered to be:-

- An assessment of the principle of development at this location in the context of ‘saved’ UDP policies, the NPPF and other material guidance; and
- An assessment of the sustainability of the scheme having regard to the scheme’s impact on the existing settlement in terms of landscape character and amenity and surface water drainage.

The Principle of Development in the context of ‘saved’ UDP policies the NPPF and other material guidance

6.2 S38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.3 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). The plan is time-expired, but relevant policies have been ‘saved’ pending the adoption of the Herefordshire Local Plan - Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.4 The two-stage process set out at S38 (6) requires, for the purpose of any determination under the Act, assessment of material considerations. In this instance, and in the context of the housing land supply deficit, the NPPF is the most significant material consideration. Paragraph 215 recognises the primacy of the Development Plan but, as above, only where saved policies are consistent with the NPPF:-

“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

6.5 The effect of this paragraph is to supersede the UDP with the NPPF where there is inconsistency in approach and objectives. As such, and in the light of the housing land supply deficit, the housing policies of the NPPF must take precedence and the presumption in favour of approval as set out at paragraph 14 is engaged if development can be shown to be *sustainable*.

6.6 Paragraph 14 of the NPPF states that for decision making, the presumption in favour of sustainable development means:

- *“Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.”

It is the second bullet point that is relevant in this case.

6.7 The NPPF approach to Housing Delivery is set out in Chapter 6 – Delivering a wide choice of high quality homes. Paragraph 47 requires that local authorities allocate sufficient housing land to meet 5 years’ worth of their requirement with an additional 5% buffer. Deliverable sites should also be identified for years 6-10 and 11-15. Paragraph 47 underlines that UDP housing

supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

The Council's Housing Land Supply

- 6.8 The Council's published position is that it cannot demonstrate a five year supply of housing land. This was the published position in April 2012 and again in July 2012 and has been reaffirmed by the recently published Housing Land Supply Interim Position Statement – May 2014. This, in conjunction with recent appeal decisions, confirms that the Council does not have a five year supply of deliverable housing land, is significantly short of being able to do so, and persistent under-delivery over the last 5 years renders the authority liable to inclusion in the 20% buffer bracket.
- 6.9 In this context, therefore, the proposed erection of 110 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.
- 6.10 Taking all of the above into account, officers conclude that in the absence of a five-year housing land supply and advice set down in paragraphs 47 & 49 of the NPPF, the presumption in favour of sustainable development expressed at Paragraph 14 of the NPPF is applicable if it should be concluded that the development proposal is sustainable. As such, the principle of development cannot be rejected on the basis of its location outside the UDP settlement boundary. Furthermore, if the Core Strategy housing growth target for Hereford is to be achieved, greenfield sites on the edge of the existing settlement will have to be released.

Hereford Local Plan – Draft Core Strategy 2013-2031

- 6.11 The pre-submission consultation on the Draft Local Plan – Core Strategy closed on 3 July. At the time of writing the Core Strategy Policies, which have not been examined in public, attract only very limited weight for the purposes of decision making. It is the case, however, that within the draft Local Plan Hereford, as the main population centre, remains the principal focus for housing and related growth over the plan period (2011-2031).

An Assessment of the Sustainability of the Proposals

- 6.12 The presumption in favour of the approval of sustainable development may only be engaged if a development proposal demonstrates that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.
- 6.13 The economic dimension encompasses the need to ensure that sufficient land is available in the right places at the right time in order to deliver sustainable economic growth. This includes the supply of housing land. The social dimension also refers to the need to ensure an appropriate supply of housing to meet present and future needs and this scheme contributes towards this requirement with a mix of open market and affordable units of various sizes.
- 6.14 Although not allocated for housing development; it being the intention in Herefordshire that specific area and neighbourhood plans fulfil this function, the site has been assessed via the Strategic Housing Land Availability Assessment as having major constraints; although the current application is testimony to the site's availability and deliverability. In the context of persistent under-delivery, officers consider the immediate deliverability of this site to be a material consideration.

- 6.15 The Council's Conservation Manager (Landscapes) has objected to the development on the basis that it represents a major incursion into the sensitive part of the urban fringe. The objection is made on the basis that large-scale residential development is uncharacteristic of the principal settled farmlands character type and likely to be highly visible from a range of middle-distance vantage points to the north-east, east and south-east. The significance of Holywell Gutter Lane as a surviving medieval marker of the city boundary is also noted. It is concluded that the proposal would be contrary to 'saved' UDP policies DR1 (3), LA2, which directs refusal of development that would adversely affect either the overall character of the landscape or its key features, and LA3. The loss of the remaining parkland setting to Hampton Dene House is also noted as contrary to LA4.
- 6.16 Paragraph 109 of the NPPF, which was cited in the earlier Committee resolution, says that the planning system should contribute to and enhance the local and natural environment by "protecting and enhancing valued landscapes".
- 6.17 Paragraph 113 recognises, however, that it is necessary to make distinctions between the hierarchies of landscape areas in terms of whether the designation is of international, national or local significance. This is in order that protection is "commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks." As such, although the harm with adopted UDP policies is acknowledged, the site itself is not subject to any of the specific policies of the NPPF that indicate that development should be restricted as per footnote 9 to paragraph 14. To this extent, therefore, although conflict with the environmental role of sustainable development is identified, it is necessary to weigh this harm against the benefits of the proposal in conducting the 'planning balance'. Refusal should only ensue if the decision taker considers that the adverse impacts associated with approval "significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when considered as a whole" – the paragraph 14 'test'.
- 6.18 In addressing the planning balance, decision-takers need to consider both benefits and adverse impacts.
- 6.19 Beyond the benefits associated with affordable housing provision and increased breadth of housing choice locally, the site is considered to represent a sustainable location for housing growth in terms of good access to amenities and employment. The Traffic Manager acknowledges the potential for non-car borne access to local shops, schools and employment opportunities and it is this potential that off-sets concerns in relation to the potential for increased pressure on the signalised junction at Ledbury Road / Folly Lane. The Development Framework Plan also identifies the potential for linkages to the local public footpaths, including Holywell Gutter Lane, whereas off-site highway works as specified will contribute towards improved pedestrian crossing facilities from the site to local schools and beyond, upgrades to the local public footpath network and the potential for an extension of the speed limit along Ledbury Road. In this respect, therefore, officers consider that the proposal would be consistent with the economic and social dimensions of sustainable development.
- 6.20 The Parish Council has expressed concern at the potential for the proposal to increase flood risk within the village of Hampton Bishop. The site occupies land that is elevated relative to the village and it is acknowledged that under existing conditions surface water drains from the site towards lower-lying ground to the east. At paragraph 103 the NPPF sets out the expectations that development should not increase flood risk elsewhere. Applications should be informed by a site specific Flood Risk Assessment, as is the case here, and opportunities offered by new development to reduce the causes and impacts of flooding should be taken (para.100).
- 6.21 The surface water drainage strategy envisaged by the applicant involves the use of underground storage of surface water, before it being pumped at an agreed rate into the mains drain in Hampton Dene Road. The use of soakaways has already been discounted on account of the ground conditions and high water table. This scheme has been devised in response to the Welsh Water concerns in relation to the discharge of surface water to the mains via an

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attenuation basin under the previous application. There remains, however, no objection to the proposal subject to the imposition of conditions securing the appropriate management of surface water. Likewise neither the Council's drainage engineer (nor the Environment Agency in relation to the appeal proposal) has any objection in principle subject to the imposition of planning conditions. The conditions proposed in the recommendation would require the formulation of a fully integrated and comprehensive drainage solution prior to the commencement of development. The Council's engineer is confident that the drainage design can be robust enough to capture and attenuate runoff from all new hard paved surfaces up to and including the 1 on 100 year + climate event – therefore mitigating any increased flood risk elsewhere.

- 6.22 On this issue, officers are clearly mindful of the concerns expressed, but on the evidence available, specialist technical advice does not support the view that the development will increase the risk of flooding elsewhere and particularly in Hampton Bishop. Officers are content that there is the potential to deliver a solution that offers betterment against green-field run-off rates and a condition requiring the formal submission and written approval of a surface water drainage scheme is appropriate in this context. Officers are thus satisfied that an NPPF compliant drainage scheme is capable of being delivered in the event that planning permission is granted.
- 6.23 The application is made in outline and by definition all matters except access would be reserved for future consideration. Officers consider, however, that in terms of the economic and social dimensions of sustainable development, the development proposal is sustainable. The delivery of housing, including 35% affordable, in the context of a significant under-supply is a significant material consideration telling in favour of approval. Likewise the site is well related to a range of goods, services and amenities and well served by public transport provision. Positive impacts in relation to job creation within construction and related sectors and the new homes bonus are also material considerations.
- 6.24 It has been identified, however, that the development would be at odds within the prevailing landscape character and visible from a range of vantage points to the east and north-east. The development would breach the medieval marker that is Holywell Gutter Lane and redefine the relationship between city and countryside in the process.
- 6.25 Officers recognise this conflict and the aspiration that sustainable development should positively encompass the three dimensions as being mutually dependent. However, in the context of the housing supply deficit, officers do not consider that conflict with one of the dimensions should necessarily lead to refusal and in taking this view are mindful of the absence of an international or national landscape designation on site, whereas the unregistered historic park and garden associated with Hampton Dene House represents a local designation that has already been despoiled. On balance, therefore, officers conclude that the presumption in favour of sustainable development can be engaged and that a decision should be taken in the light of paragraph 14 of the NPPF.

Other Matters

Highway Safety

- 6.26 The Traffic Manager has no objection to the proposal. The proposed junction is in accordance with the adopted Highways Design Guide and gives adequate visibility to the nearside of the carriageway in each direction. The impact of additional traffic on the network is not considered sufficient to cause concern in relation to the NPPF advice which confirms that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." On this matter the scheme is considered to comply with saved UDP Policy DR3 and the NPPF.

Ecology

- 6.27 The applicant has confirmed that prior to commencement of the development, a full working method statement will be submitted to the local planning authority for written approval, and the work shall be implemented as approved.
- 6.28 The working method statement will be prepared in respect of protected species potentially present including bats, great crested newts and nesting birds.
- 6.29 It has also been agreed that the erection of bat boxes on a number of the mature trees around the site boundaries to provide additional roosting opportunities will form part of the habitat protection and enhancement statement that will also be required via planning condition. Other than the removal of trees necessary to create the site access, no other trees are intended for removal and significant new planting would be undertaken as part of the comprehensive landscaping of the site.
- 6.30 In order to ensure there are no adverse effects on great crested newts and that no offences are committed in relation to this species the Working Method Statement will include detail of specific mitigation measures to be implemented. These will include:
- Details of methodology for trapping and removal of great crested newts from site under a licence from Natural England.
 - Protection and retention of suitable terrestrial habitat within the site.
 - Protection and retention of habitat connectivity between ponds.
 - Details of creation of suitable habitats within proposed green-space including rough grassland and scrub/ structure planting, two drainage ponds suitable to support great crested newts and refuges and hibernacula.
 - Enhancement of existing ponds.
 - Design prescriptions for a wildlife culvert to allow amphibians and small mammals to cross under the access road.

Foul Drainage

- 6.31 Welsh Water has confirmed that the existing mains system has capacity to accommodate the proposed development with no adverse effects on the River Lugg/ River Wye SAC.

S106 Contributions/Off site improvements

- 6.32 Three off-site highway improvement projects have been identified as measures to increase the likelihood of non-car borne movements. The projects are as follows:
- A pedestrian crossing on Hampton Dene Road on or close to the emergence of the public footpath on the south side;
 - Re-surfacing and drainage of the stretch of Holywell Gutter Lane bordering the site; and
 - The extension of the 30 mph speed limit eastwards on Ledbury Road.
- 6.33 All three projects are within the extents of the public highway and can be dealt with via planning condition. The projects have been costed at in excess of £200,000, but the applicant has indicated a willingness to accept a planning condition requiring that they become responsible for design and implementation of the schemes. On the basis that the developer assumes responsibility for delivering these projects, a financial contribution is not necessary, but the identified projects will be included in the S106 agreement for clarity.
- 6.34 Negotiations are ongoing as regards a contribution towards addressing short-term capacity issues at the catchment primary and secondary schools arising from this development. This may take the form of temporary classroom provision. The extent of the contribution is still being formulated.

6.35 The applicant is providing on-site children's play space, informal open space and allotments that exceed UDP policy requirements. An off-site public open space contribution towards sports pitch provision at Aylestone Park has also been agreed. This contribution is in the region of £68,460 (depending on the eventual housing mix) and would be pooled as necessary with other contributions with the overall aim of delivering Aylestone Park in phases. The recommendation reflects the necessity to complete the undertaking before planning permission is issued.

Impact on the amenity of nearby property

6.36 The indicative layout confirms the site is capable of accommodating the 110 dwellings proposed without undue impact on the living conditions associated with dwellings nearby. The density is equivalent to 23.5dw/ha, which is comparatively low, but appropriate within this zone of transition between town and country. In terms of impact upon adjoining land uses the scheme is considered to comply with saved UDP policies DR2 and H13.

Affordable Housing

6.37 The scheme makes provision for 35% affordable housing, which accords with policy. The developer has also indicated a willingness to examine the potential for the delivery of a modest proportion of bungalows across the development. This proposal has the support of the Housing Development Manager.

Pre-Application Engagement

6.38 The developer carried out pre-application consultation events in relation to the first application that is now at appeal. This included an open exhibition and leaflet drops to approximately 560 dwellings. The application is accompanied by a summary Statement of Community Involvement, which confirms that there were comments of support and objection.

Conclusions

6.39 In accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.40 In the weighing of material considerations regard must be had to the provisions of the NPPF; especially in the context of a shortage of deliverable housing sites. It is acknowledged that the development places reliance upon the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF in the context of a housing land supply deficit, but equally that the emerging policies of the Core Strategy and Neighbourhood Plan are not sufficiently advanced to attract weight in the decision-making process.

6.41 The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged. S106 contributions are also noted (although a signed undertaking has not been completed).

6.42 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. It is also the case that the examples cited at footnote 9 to paragraph 14 are not applicable to this site i.e. the site is not subject to any national or local designations that indicate that development ought to be restricted.

6.43 Officers consider that there are no highways, drainage or ecological related issues that should lead towards refusal of the application and that any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits. It is therefore recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

RECOMMENDATION

Subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the Heads of Terms stated in the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary.

That 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. C01 Samples of external materials**
- 5. The submission of reserved matters in respect of layout, scale, appearance and landscaping and the implementation of the development shall be carried out in substantial accordance with the Development Framework Plan 5476-L-02 Revision E and the Design and Access Statement dated May 2014.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, HBA4 and LA4 and the National Planning Policy Framework.

- 6. The development shall include no more than 110 dwellings and no dwelling shall be more than two and a half storeys high.**

Reason: To define the terms of the permission and to conform to Herefordshire Unitary Development Plan Policies S1, DR1, H13 and the National Planning Policy Framework.

- 7. H06 Vehicular access construction**
- 8. H09 Driveway gradient**
- 9. H11 Parking - estate development (more than one house)**
- 10. H17 Junction improvement/off site works**
- 11. H18 On site roads - submission of details**
- 12. H19 On site roads - phasing**
- 13. H20 Road completion in 2 years**
- 14. H21 Wheel washing**
- 15. H27 Parking for site operatives**
- 16. H29 Secure covered cycle parking provision**
- 17. E01 Site investigation - archaeology**
- 18. L01 Foul/surface water drainage**

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19. **L02 No surface water to connect to public system**
20. **G04 Protection of trees/hedgerows that are to be retained**
21. **G10 Landscaping scheme**
22. **G11 Landscaping scheme - implementation**
23. **The recommendations set out in the ecologist's report dated May 2014 should be followed in relation to the identified protected species. Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**

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 and NC7 of the Herefordshire Unitary Development Plan.

24. **The recommendations in relation to biodiversity enhancement set out in Section 4 of the ecologist's report dated May 2014 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

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 and NC7 of Herefordshire Unitary Development Plan.

Informatives:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN10 No drainage to discharge to highway**
3. **HN04 Private apparatus within highway**
4. **HN28 Highways Design Guide and Specification**
5. **HN13 Protection of visibility splays on private land**
6. **HN05 Works within the highway**
7. **HN07 Section 278 Agreement**

- 8. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work**
- 9. **N11C Wildlife and Countryside Act 1981**

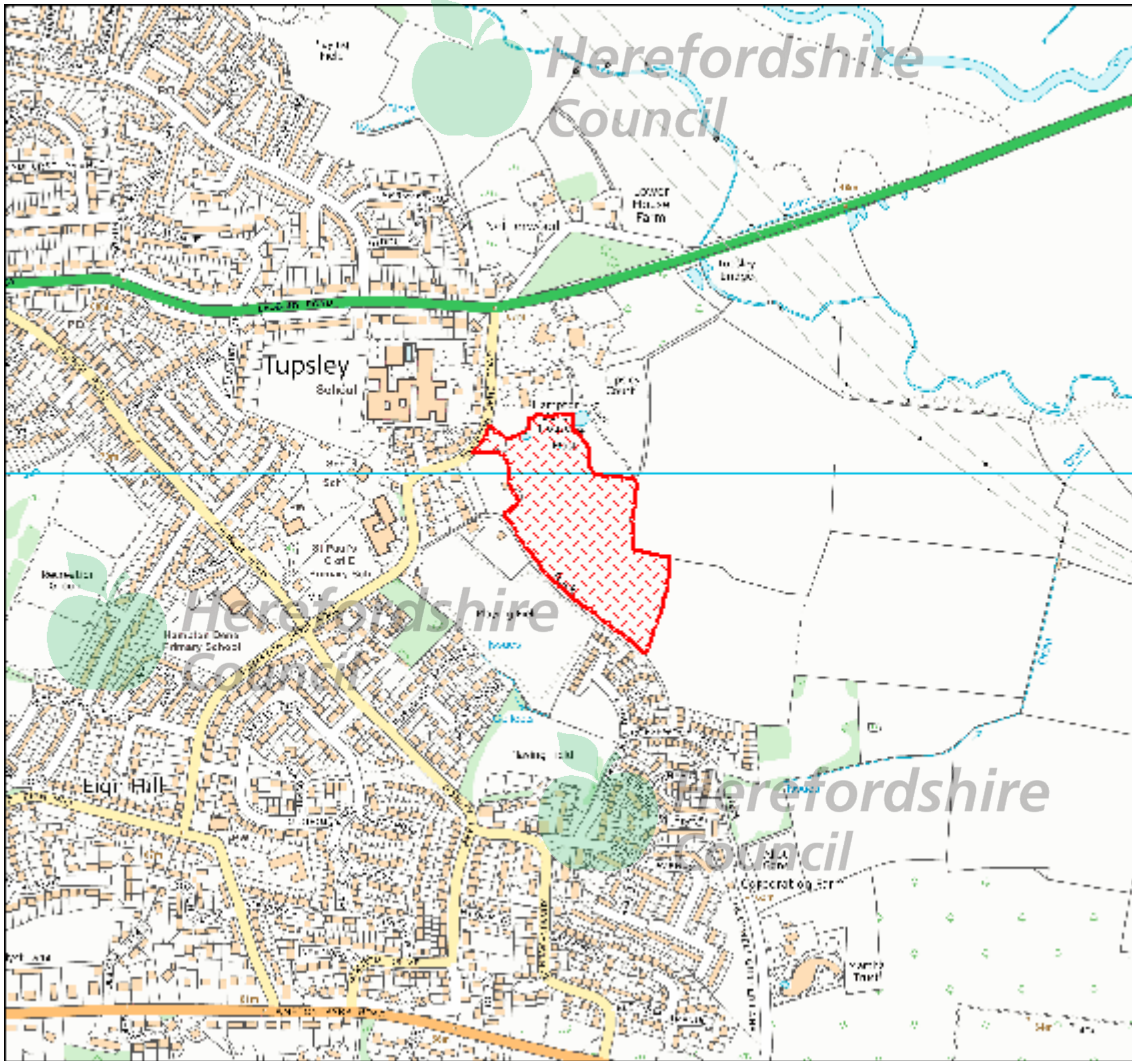
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141526/O

SITE ADDRESS : LAND SOUTH OF HAMPTON DENE ROAD, HEREFORD

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