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| MEETING: | PLANNING COMMITTEE |
| DATE: | 27 AUGUST 2014 |
| TITLE OF REPORT: | <p>P140963/O - SITE FOR THE DEVELOPMENT OF UP TO 135 HOMES (INCLUDING 46 AFFORDABLE HOMES), PUBLIC OPEN SPACE, NEW ACCESS (INCLUDING DEMOLITION OF 144 AYLESTONE HILL), STRUCTURAL LANDSCAPING, SUSTAINABLE DRAINAGE INCLUDING BALANCING PONDS, INFRASTRUCTURE AND ASSOCIATED WORKS: LAND AT 144 AYLESTONE HILL AND LAND TO THE EAST OF AYLESTONE HILL, HEREFORD, HR1 1JJ</p> <p>For: Bovis Homes Limited per Mr Ben Stephenson, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL</p> |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=140963&search=140963 |

Date Received: 31 March 2014

Ward: Aylestone

Grid Ref: 352473,241411

Expiry Date: 30 June 2014

Local Members: Councillors NP Nenadich and DBWilcox

1. Site Description and Proposal

- 1.1 The application seeks outline planning permission with all matters bar access reserved for the erection of up to 135 dwellings, including 46 affordable homes, on a site of some 7.5ha on the eastern side of Aylestone Hill at the north-eastern edge of Hereford City.
- 1.2 The application site is two fields of pasture outside of, but adjacent to, the settlement boundary as defined by the Unitary Development Plan. Within the site there is a large derelict poultry house and a single internal hedgerow. The site is bordered to the west by the ribbon development, mainly bungalows, extending northwards and terminating with the two-storey dwelling No.144, which forms part of the application site and would be demolished as part of the access proposals.
- 1.3 The site lies within an ancient and historic landscape, used for grazing since the Bronze Age. The Lugg & Hampton Meadows, part of which lies just beyond the site's eastern boundary, is the most important surviving Lammas meadow in the UK. Natural England's website says "*These ancient hay meadows, whose records date back to the time of the Domesday Book, therefore have great ecological and historical significance, and a vital place in our national heritage.*"
- 1.4 The River Lugg (220m east of the site) forms part of the River Wye Special Area of Conservation (SAC) and it is a Site of Special Scientific Interest (SSSI), as are the Lugg and Hampton Meadows (c. 20m east of the site). The Meadows are also a Special Wildlife Site

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

(SWS). Part of the Lugg Rhea, a drainage system for the meadows (adjacent to site's eastern boundary), is part of the SSSI designation, a Site of Importance for Nature Conservation (SINC) and is a habitat for otters (a European Protected Species). The ecology of the Meadows is also significant as a resource for public amenity.

- 1.5 The Lugg Meadows and the associated landscape in which the site is situated are recognised within the Council's Urban Fringe Sensitivity Analysis (UFSA) (January 2010) as an area having high sensitivity and vulnerability to change. The steep, north-east facing slopes of Aylestone Hill are described as being undeveloped and rural in character. The slopes are "... *highly visible and a key element in the setting of Hereford when approaching Hereford across the Lugg Meadow*".
- 1.6 The site is also adjacent to the Aylestone Hill Conservation Area, which lies to the immediate west. The Conservation Area is characterised by late Victorian and Edwardian suburban 'villa and garden' development with large houses set on spacious plots within mature gardens. In the later part of the C20th century the area has been subject to infill development of some of the traditional, larger plots.
- 1.7 Two public rights of way cross the site (HER42 and HER 42A) and link directly to Upper Lugg Meadow which is Registered Common Land, Open Access Land and crossed by public rights of way. There are also onward links to the Three Choirs Way to the south east. Within the site levels descend from the site's south-west corner towards the Lugg Meadows.
- 1.8 The nearest listed buildings are 86 and 88 Aylestone Hill and 20 and 22 Walney Lane. All are located to the south of the application site.
- 1.9 Although submitted in outline, the application is accompanied by a broad range of supporting material, including the following:-
 - Design and Access Statement (Bovis Homes March 2014);
 - Planning Statement; S106 Draft Heads of Terms and Statement of Community Engagement (Barton Willmore);
 - Landscape and Visual Impact Appraisal; Archaeological and Heritage Assessment & Arboricultural Assessment (EDP);
 - Transport Assessment; Supplementary Technical Note and Residential Travel Plan (TPA);
 - Ecological Assessment (Ecology Services);
 - Flood Risk Assessment; Utilities Statement and Phase 1 Ground Condition (Contamination) Assessment (PBA).
- 1.10 The Design and Access Statement (DAS) sets out the aspirations for the development, setting out the intention to respond positively to the landscape setting and the existing settlement pattern. The DAS and other supporting documents recognise the sensitivity of the site from particular public vantage points towards Hereford from the meadows. In this respect the masterplan, which has been reviewed in response to the Conservation Manager's (landscapes) comments, envisages a comparatively low-density scheme, providing significant landscaped areas around the site's perimeter, which would provide continuous Green Infrastructure to the site periphery; a measure of physical separation to the SSSI/SAC and a layout that responds positively to the semi-rural edge of settlement character that persists at present. The DAS sets out the key aspirations of the development, which are summarised as follows:-
 - A layout that responds sensitively to the existing settlement and maximises connectivity to goods, services and amenities in the city centre and more locally;
 - A scheme that is sensitive to the present semi-rural character of the site, particularly in views from the adjacent Lugg Meadows;
 - A scheme that provides a series of landscaped areas that connect to the existing Green Infrastructure network;

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- A scheme that provides new habitats in the form of permanent wetland, seasonal wetland, grasslands and orchards;
- A scheme that delivers a high-quality and attractive environment, setting the standard for the delivery of high-quality, attractive housing within it.

- 1.11 The masterplan also demonstrates a singular point of vehicular access through the site of No.144 at the site's north-western corner close to the existing bus-stop and opposite Aylestone Park. The plan is illustrative only, but demonstrates a layout comprising a mixture of 1, 2, 3, 4 and 5 bed detached, semi-detached and terrace properties. The density is comparatively low in recognition of the edge of city location and the necessity to attenuate surface water within proposed balancing ponds on the lower-lying parts of the site. The net developable area is limited to 4.1ha of the 7.5ha site, the remainder dedicated predominantly to public open space. It is intended that the attenuation basins would form part of the public open space, integral to the Green Infrastructure provision.
- 1.12 The application is made in the context of the Council's housing land supply deficit; acknowledged by 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 A Section 106 draft Heads of Terms has been agreed with the developer and is appended to the report. This specifies contributions towards highway and sustainable transport improvements, public open space and recreation, education, libraries and waste.
- 1.14 The Council has adopted a Screening Opinion confirming that the proposal is not development requiring the submission of an Environmental Statement.

2. Policies

2.1 National Planning Policy Framework (NPPF):

The following sections are of particular relevance:

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|--------------|---|--|
| 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 |
| E15 | - | Protection of greenfield land |
| H1 | - | Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas |
| H7 | - | Housing in the Countryside Outside Settlements |
| H10 | - | Rural Exception Housing |

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| H13 | - | Sustainable Residential Design |
| H15 | - | Density |
| H16 | - | Parking |
| H19 | - | Open Space Requirements |
| HBA4 | - | Setting of Listed Buildings |
| HBA6 | - | New development within conservation areas |
| HBA7 | - | Demolition of unlisted buildings within conservation areas |
| HBA9 | - | Protection of Open Areas and Green Spaces |
| T6 | - | Walking |
| T8 | - | Road hierarchy |
| LA2 | - | Landscape Character and Areas Least Resilient to Change |
| LA3 | - | Setting of Settlements |
| 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:

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|-----|---|--|
| 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 |
| RA2 | - | Herefordshire's Villages |
| 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:

The Neighbourhood Planning function for the area would be fulfilled by the Hereford Area Plan; which is in the very early stages of preparation and attracts no weight for the purpose of determining planning applications.

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

- 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 None relevant.

4. Consultation Summary

Statutory Consultees

- 4.1 Welsh Water: Holding objection.

SEWERAGE

We advised the developer as part of our pre-planning service that it would be necessary to undertake a hydraulic modelling assessment to establish whether the foul flows from the proposed development could be accommodated within the public sewer network. The applicants have since progressed with requesting a quotation in for the relevant modelling work to take place. However, we have yet to receive an instruction to undertake the hydraulic modelling assessment of the foul sewer network. In the absence of the outcome of this assessment we are unable to prescribe a suitably worded condition to ensure the provision of any infrastructure improvements that may be required. Accordingly, we have no alternative other than to OBJECT to the proposed development until such time as a hydraulic modelling assessment has been commissioned, and the outcomes of the assessment are known.

WATER SUPPLY

We advised the developer as part of our pre-planning service that it would be necessary to undertake a hydraulic modelling assessment to establish whether a suitable water supply can be provided as the development is in an area of low water pressure. The applicants have since progressed with requesting a quotation in for the relevant modelling work to take place. However, we have yet to receive an instruction to undertake the hydraulic modelling assessment of the foul sewer network. In the absence of the outcome of this assessment we are unable to prescribe a suitably worded condition to ensure the provision of any infrastructure improvements that may be required. Accordingly, we have no alternative other than to OBJECT to the proposed development until such time as a hydraulic modelling assessment has been commissioned, and the outcomes of the assessment are known.

- 4.2 Environment Agency: No objection.
4.3 Natural England: No objection, subject to conditions

CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED) WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED) River Wye SAC

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended, (the 'Habitats Regulations'). The application site is in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the River Lugg Site of Special Scientific Interest (SSSI).

It is understood that this proposed development would manage surface water through sustainable drainage systems and that foul water would be discharged via mains drainage to either the Eign or Rotherwas Sewage Treatment Works (STW), which discharge into the River Wye SAC. Natural England and the Environment Agency have signed a Statement of Intent (SOI) to develop a Nutrient Management Plan (NMP) for the River Wye SAC. The objective of the NMP is to ensure the favourable conservation status of the River Wye SAC before 2027, by providing measures to manage phosphate concentrations within the river to meet the conservation requirements of the site. The SOI provides an interim agreement for development management, and states that development can be accommodated where discharges to mains are within existing consents at the receiving Sewage Treatment Works.

Provided that there is capacity at the STW and in light of the SOI and emerging NMP, Natural England agrees with the conclusion offered in the informal screening provided by the applicant; that there would be no likely significant effect on the River Wye SAC. We welcome the betterment provided through the retrofitting of mains drainage connections to existing properties with septic tanks.

River Lugg SSSI and Lugg & Hampton Meadows SSSI

No objection – with conditions

This application is in close proximity to the River Lugg Site of Special Scientific Interest (SSSI) and the Lugg & Hampton Meadows SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Conditions

Natural England advises any planning permission if granted is subject to a condition requiring the submission of a biodiversity enhancement plan, the details of which should be agreed with the Local Planning Authority. This should include details to secure the implementation of mitigation and enhancement measures proposed in the application, including, but not limited to:

- Planting of the gappy hedges across the site
- Space for nesting swallows and bats incorporated into new buildings
- Ponds constructed for the benefit of wildlife

Natural England originally required a condition that the SUDS system should ensure no discharge to adjacent watercourses and ditches. This stance has been reviewed upon receipt of the explanation of the SUDs system as set out at 5.10 below. Natural England is now satisfied that the development, as submitted, will not impact upon the features of special interest for which the River Lugg SSSI and the Lugg & Hampton Meadows SSSI are notified.

Green Infrastructure and Biodiversity Enhancements

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

This proposal presents the opportunity to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. We recommend that

should the Council be minded to grant planning permission, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for the inclusion of biodiversity enhancements through the planning process.

Internal Council Advice

4.4 Transportation Manager:

The application is supported by a Transport Assessment produced by Transport Planning Associates (TPA) dated March 2014 which assesses the likely impact of the development on the surrounding network. Initial comments were provided on the junction assessments within the document, and a response by way of a Technical Note (dated June 2014) from TPA received with the Barton Wilmore letter dated 17th June 2014.

The development proposed is up to 135 dwellings, whereas the Transport Assessment was produced for 150 dwellings, therefore it is considered to provide a robust assessment.

The Transport Assessment indicates in Figure 5.1 a total trip generation of 80 vehicles (56 outbound 24 inbound) in the AM peak and 79 (30 outbound and 49 inbound) in the PM peak. These trip generations are based on a TRICS based assessment of similar sites and are considered reasonable. These vehicle trips are predicted to distribute equally north/south at the site access, producing an estimated additional 28 vehicles towards the City centre in the AM peak on Aylestone Hill.

The junctions that will be greatest affected are the two mini roundabouts at Aylestone Hill/Venns Lane/Folly Lane and Aylestone Hill/Roman Road roundabout. The impact upon those junctions has been included in the Transport Assessment and amended slightly in the Technical Note. This indicates that the Aylestone Hill/Roman Road roundabout does not experience any capacity issues in 2019 with the proposed development in place.

The geometry and interaction of the two roundabout junctions at Venns Lane/Aylestone Hill/Folly Lane makes their analysis complex, but the indications from the assessment are that the junctions are currently close/at theoretical capacity and this situation will deteriorate as a result of the development, should the application be approved, with an increase in queueing on approaches. I would comment that the queue lengths indicated in the documents for Aylestone Hill north of the junctions is less than the overall queueing assessed during my site visits, but I am of the view that the queue indicated was the actual queue for the roundabout approach, and that the vehicle arrival rate experienced regular interruption of the queue further back by the school crossing patrol further south at Overbury Road. This pattern was confirmed during my site visits and also is reflected in the fact that the queue lengths assessed for that approach (A465) listed under Junction 2 in Appendix A of the TA indicate the recorded queue lengths increasing in the periods commencing 8:45, 9:00 and 9:15AM, when the crossing patrol would decrease in regularity and then cease. During my visits, the worst case queue extended to the site entrance location.

The Technical Note indicates in Table 3.3 an increase in queue length of 11 vehicles in the AM peak and 4 vehicles in the PM peak. This equates to an additional 45 seconds queueing time (AM peak) and 30 seconds (PM peak) This is considered to be a worst case scenario, and is based on 150 dwellings rather than the 135 proposed.

The Technical Note in Paragraphs 3.9 and 3.13 suggests that a reduction of 10% in vehicle trips could be achieved by way of effective implementation of the Travel Plan, and that this would reflect the true impact of the development, and is summarised in Table 3.5. The resultant figures indicate a reduction in the additional delays to around 20 seconds in both AM and PM peak hours.

That 10% reduction is not substantiated by supporting evidence and should therefore, in my view, be viewed with caution. Whilst I acknowledge that some reduction may be achieved by way of the Travel Plan, I have based my assessment upon the likely impact without that reduction, but would stress that mitigation of the impact of the development should be achieved by promotion and enhancement of sustainable transport measures and to maximise their use and to minimise vehicular impact as indicated in the Travel Plan.

It is noted that Section 106 contributions and sustainable transport schemes are detailed in the Draft Heads of Terms and these are considered would give benefit in this respect, not just by reducing vehicle trips from the development but by potential modal shift for existing trips on the network.

The access junction layout originally submitted (Drawing Figure 3.1 in the Transport Assessment) did not take account of proposals for an on-road cycle scheme on Aylestone Hill to link to the Park & Share/cycle facility at the park and which is one of a number of schemes around the City intended to reduce journeys into the city by car. A further drawing SK04.A has been produced which shows a scheme which would provide a cycle route through the junction. Visibility from the crossing points on the site access road may be an issue with the submitted design, and may not be the best design achievable.

Further discussions on the junction proposals and a Stage 1 Road Safety Audit, to include a Non- Motorised User audit, will be necessary before a scheme can be approved, but I am of the view that a suitable scheme could be produced within the available highway and controlled land and, whilst access is not a reserved matter, for an access in principle at that location to be approved, subject to finalisation of full details at the reserved matters/full application and S38/278 preparation stage.

SUMMARY

The Transport Assessment and subsequent Technical Note indicate that there will be a worsening of the operation of the junction at Aylestone Hill/Venns Lane/Folly Lane, with resultant additional delay and queueing. This is estimated to be an additional 45 seconds in the morning peak and 30 seconds in the evening peak, with an increase in queue length of 11 and 4 vehicles respectively. My existing journey time assessment indicated a current travel time of around 12 minutes from end of queue to roundabout at worst time. In terms of traffic flows, the development would introduce an additional 28 vehicles towards the city and through these junctions, as compared to a total southbound flow of 583 vehicles, ie around a 5% increase.

Any new development will have an impact and the NPPF in Paragraph 32 states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". No definition of severe is provided and therefore it is open to individual assessment and interpretation.

Whilst further delay and queueing on the highway network is undesirable from a motorist point of view, it could also be argued that if total mitigation of additional vehicle trip impact is provided by way of additional road capacity, there is less incentive to use sustainable modes. Therefore in my view, mitigation is better achieved by encouragement of sustainable travel modes, not just for the development but for existing car users. I consider that the Travel Plan and the schemes indicated in the Draft Heads of Terms would assist in the reduction of the residual cumulative impact.

With provision and introduction of those mitigation measures listed in the Draft Heads of Terms and introduction and promotion of the Travel Plan, I consider that the residual cumulative impact would not be severe and I would therefore recommend approval subject to conditions.

4.5 Conservation Manager (Landscape)

The LVIA which has been carried out provides a comprehensive assessment of landscape and visual effects, but I do have some concerns about certain aspects of the report.

1. WIDER CONTEXT

The UFSA shows the distinct, irregular pattern of the existing edge of the settlement along the western edge of zone 5b, within which the site lies. Zone 5b forms the highly sensitive transition / buffer zone between the city and the Lugg Meadows (the sensitivity of the latter being accepted by all parties). The LVIA disagrees with the High level of sensitivity of zone 5b, however – see below).

Applying the site boundary to the maps at this scale shows how the site forms a large, rectangular block jutting out from the built up area into the transition zone. I do not consider that the characteristic settlement edge pattern of the zone is respected by creating this block-like extension out of the city into open countryside, rather, it is adversely affected.

2. SENSITIVITY: LANDSCAPE AND VISUAL

Although I agree that the UFSA recommends that more detailed assessments are required to establish the capacity of specific areas for change, I disagree with the LVIA's conclusion that this part of zone is not High sensitivity but Medium. I consider that the value and importance of the transition zone has been underestimated, especially in light of its key protective function between the urban edge and the meadows (see also stated purpose of Conservation Area). In my opinion, both landscape and (many) visual receptors should be High.

In particular, the historic and cultural importance of this landscape, which is of greater than local significance, does not appear to have been given enough weight. The UFSA does highlight the sensitivity of visual amenity and views in this zone, but this does not mean that effects on landscape (especially an historic landscape) are only based on views, as is confirmed in the LVIA methodology. Both the LVIA and the archaeological assessment appear to rely mainly on views and visibility to establish overall effects (including effects on the setting of the Conservation Area), rather than factoring in the many other aspects that contribute to landscape character, and the wider context as set out above.

3. LANDSCAPE VALUE OF SITE

The value of the existing landscape features on the site (old hedgerows which are remnants of the traditional hedgerow pattern) are classified in the LVIA as having low value as they are in poor condition. This is used as a reason for the site's sensitivity to change not being classified as high, as in the UFSA. I accept that the future of these hedges 'may be uncertain' and they could be lost even if development does not go ahead but nonetheless, they are a key landscape characteristic and are of historic landscape value and could potentially be restored. The earlier landscape appraisal carried out by One Ltd, recommended they should be retained and respected within any future layout, but on the illustrative masterplan, they have not been.

4. MAGNITUDE OF IMPACT

I consider that the proposed development is large scale and permanent and that the magnitude of change is large. I agree that the magnitude of impact is potentially low from certain viewpoints, but this relies on screening – see below.

5. VISUAL EFFECTS

I agree that in visual terms, the site benefits from a certain amount of screening which limits its area of visual influence (although not from some of the most sensitive receptors, which could experience significant adverse effects). But I disagree with what is said in the LVIA (*“The creation of new open space and more sharply defined interfaces with residential housing has the potential to enhance the existing view by providing a ‘soft’ urban edge and frontage to the Lugg Meadows.”*). The change of the view from that of a traditional, rural landscape to one of a modern housing estate cannot, in my opinion, be said to be an ‘enhancement’.

In the event that planning permission was granted, however, I do think that if the details of the scheme were very carefully considered, new houses could eventually be relatively well-integrated into the backdrop to the west (see Recommendations below).

However I am concerned about the reliance placed on vegetation in the longer-term for screening in order to mitigate adverse visual (and landscape) effects, and to help assimilate the proposals into the existing townscape, with its distinctive mature ornamental trees. Some of these trees may be reaching the end of their useful lives from a landscape perspective. Some of the planting which currently screens the site from view is off-site and not in the applicant’s ownership, and there is nothing to stop it one day being cut back or removed altogether. Hedges can be severely damaged or lost as a result of vehicular accidents, fires, pests and diseases. The latter also applies to trees, with many species native to the UK being affected in recent years (elm, ash, oak, alder, pine, spruce etc.). I accept that none of this is possible for the applicant to control, but it does mean that one cannot rely 100% on vegetation to screen views in the future.

6. LANDSCAPE EFFECTS

The LVIA states (para. 4.27): *“Further, whilst recognising the close physical proximity and visual relationship between the site and the Lugg Meadows, a distinction should be made between the inherently high value of the Lugg Meadows, with its strong landscape character and undeveloped and natural appearance, and the site which contains features/fabric of lesser interest and thus constitutes a less sensitive landscape character due to its close relationship with Hereford’s urban edge.”* This actually emphasises the problem: as set out above, the zone in which the site lies forms the transition between the built urban edge and the high value Lugg Meadows. The proposals will result in the complete loss of the function of this important area.

In addition, it is possible that increased footfall in the Lugg Meadows could adversely affect these sensitive habitats, and an increase in predatory pets such as cats could also affect local wildlife. When habitats become damaged and eroded, there is a subsequent adverse effect on landscape character and visual amenity.

The LVIA asserts that *“the magnitude of change arising from the tree/hedgerow loss on site landscape fabric would be low, on a receptor of low sensitivity/value, leading to a minor/negligible overall effect.”* I consider that the hedgerow loss would result in at least a medium magnitude of change on a high sensitivity receptor (i.e. not taking the site in isolation but as an integral part of both the local and wider landscape), and that the overall significance of effects would therefore be higher. I do not agree that *“The level of effect associated with this change would be mitigated by maintaining areas of open space throughout the development.”*

The LVIA concludes that *“On balance, it is considered that the magnitude of change to local landscape character would be medium, leading to a moderate/minor overall level of effect. There would be negative effects associated with the loss of pasture and reduction in the open and semi-rural character of the land. However, the landscape pattern, fabric and visual relationship with the Lugg Meadows and Aylestone Hill ridge would not be fundamentally changed.”*

I have set out above why I consider that the overall significance of effects is likely to be higher than predicted. I do not think that the level of change can be mitigated.

7. GREEN INFRASTRUCTURE

The proposals are likely to give rise to adverse effects on both local and wider Green Infrastructure. Two public rights of way cross the site and users of these would experience a significant direct and permanent adverse effect through the change in the landscape from open fields with fine views, to a modern housing estate. These footpaths link directly to Upper Lugg Meadow which is Registered Common Land, Open Access Land and crossed by public rights of way. There are also onward links to the Three Choirs Way to the south east. The UFSA notes that the *‘dense network of footpaths [across the Lugg Meadow SSSI] contributes both to the amenity value and to the historic landscape character of the area.’* The proposals would significantly adversely affect the amenity (including visual amenity) of this resource and the enjoyment of those who use it for the reasons set out above.

8. CONCLUSIONS

In my opinion, the importance of the site, its function, value as a resource and its sensitivity have been underestimated, and the significance of effects is likely to be higher than predicted.

For the reasons set out above, I consider that the proposed development would be contrary to saved UDP policies LA2, LA3, S7, and DR1 and planning permission should be refused.

9. RECOMMENDATIONS

Should planning permission be granted, however, the layout should be re-thought. It should better respect both the local and wider settlement pattern and vernacular, and provide more robust buffers between houses / gardens and the Lugg Meadows.

It should demonstrate that adverse effects on the amenity of footpath users can be adequately mitigated. The scheme should be based on a localised appraisal of characteristics (including plant species and habitats) so that the final outcome successfully addresses the site’s interfaces with / function as a) the ancient and natural Lugg Meadows landscape, b) the local Victorian landscape characteristics, c) the north-eastern gateway to Hereford and d) the Conservation Area / residential edge.

Particular attention should be paid to detail especially colours and materials. New built development needs to integrate with its setting, so for example, a mosaic of colours and textures, with a similar palette that which exists, is likely to be better assimilated into the existing settlement when viewed from the north to south east.

Additional Comments in response to the revised masterplan:

These comments are provided as an update to my previous comments (18th May 2014) in the light of additional information subsequently provided by the applicant. This was as a result of a meeting between the parties to discuss landscape issues, *inter alia*.

The increased landscape buffer to the south does result in a small improvement to the previous layout. I agree that the aerial montage shows that the development’s edge is representative of

the irregular settlement edge to the south east, but in my opinion it still represents an inappropriate intrusion into the transition zone, and my previous comments still apply.

4.6 Conservation Manager (Ecology): No objection subject to conditions

The Hydrological Assessment for ground water defined by the underlying geology places the risk of pollutants to localised and site wide ecology to be Moderate-Low and Low respectively both currently and post-development. I am content that the additional measures to be adopted for management of surface waters and flood are technologically sound, sustainable and will not affect the ecology of the SSSI either through storm events or outfall to the Lugg Rhea Brook. Both the Internal Drainage Boards and the Environment Agency are happy that these issues have been adequately addressed.

The design of the site with plantings and grassland will act as bioretentive filtration for run-off. Establishment of wetland 'basins' as attenuation areas for surface drainage within the sub-catchments will give attenuation of excess flows with the cleansed outfall at the flood prone north-eastern sector of the site. The potential ecological impact of polluted/eutrophic waters on the SSSI should be minimal. The 'treatment train' for surface water flow within the SuDS system incorporates filtration trenches, attenuation ponds, swales for erosion and flow controls. Additionally, pollutant sequestering will be tackled further through the use of silt and oil interceptors prior to outfall into the Lugg Rhea. Whilst the Council does not yet have a SuDS strategy the Parks, Countryside and Recreation comments will apply that developers are advised to use

"CIRA guidance but with reference to DEFRA's draft of the revised SuDS guidance (currently being finalised) and to reference other useful SUDs and wildlife guidance from the Wildfowl & Wetland/RSPB available from the susdrain website".

The Construction Environmental Management Plan would also ensure that drainage issues are attended to during construction.

The 60% estimate of increased run-off resulting from development together with the allowance made for climate change adds confidence that this development will not significantly aggravate hydrological problems. It is my view that loss of permanent pasture in this location will have minimal impact on the water relations of the site and the SSSI. The current 'natural' drainage from agricultural fields takes with it eroded regolith and soil organic content whilst the filtrate from septic tank soak-aways makes its way to the land drains currently flow to the Lugg Rhea Brook in a relatively unregulated fashion (albeit naturally filtered). With redirection of foul drainage to the mains (subject to Welsh Water agreement) and regulatory technology installed for controlling surface water, site hydrology and water quality might be expected to improve substantially.

From my visit to the site it was clear that these fields have been botanically compromised by an intensified farming regime. Previous farming activities have had a deleterious effect on the biodiversity of the sward in both areas. The sward has been substantially degraded and the botanical worth of these two fields reduced to a very species poor plant community dominated by ruderals and rye grass in most areas. Additional surveys requested from the applicant have since confirmed these findings and the potential for reinstatement as unimproved grassland severely undermined. Extensive stands of nettles reflect the enriched status of the site around the old poultry shed whilst other agricultural ruderals are frequent across much of the site.

My view of this is that there would have to be substantive measures taken to re-establish flower-rich sward on this site in the absence of development. Some flowering herbs such as bird's foot trefoil and meadow vetchling occur but survive only in areas of nutrient impoverishment on subsoil thrown up from excavation in installation of the recent main sewage pipe on the west of the site. Under current agricultural management there would appear to be little opportunity for

the floral biodiversity of these fields to be upgraded by the owner as a complementary buffer to the Lugg Meadows. Biodiversity enhancement for the grassland features on the site is an intention highlighted in the Design Statement. This should bolster the ecology of the areas between the residential housing and the SSSI as well as within the site's green infrastructure. Improvement of hedge structure through planting proposals and the maintenance of the 'wild edge' to the development further improve ecological continuity at this location.

No additional access is to be provided to the SSSI which is under Open Access. Although increased usage of the SSSI for walking and experiencing the natural world may occur as a result of this development, impacts upon the SSSI are not envisaged to be catastrophic. On the contrary, persuading more people to visit such sites is to be encouraged to educate and inform.

In conclusion I do not believe that there are ecological barriers either on the site or its proximity to the SSSI sufficient to object to this development on biodiversity grounds. It is for other advisors to comment upon the singular impacts of this development on cultural heritage and landscape impacts.

- 4.7 Conservation Manager (Building conservation): The proposed outline scheme for housing to the east of Aylestone Hill, Hereford is located partly adjacent to the eastern boundary of the Aylestone Hill Conservation Area (designated in 1969). As a result the proposal must be assessed in relation to Policy HBA6 (8) of the UDP which addresses views into and out of conservation areas.

The proposed access to the housing would run through the site of 144, Aylestone Hill following its demolition. This is a detached dwelling within the conservation area. This aspect of the scheme must be considered against policies HBA6 and HBA7 (demolition of unlisted buildings within conservation areas)

There are no nationally listed buildings on or adjacent to the site but there are a number that are within the wider locality. The closest listed buildings are all grade II and are 86 and 88 Aylestone Hill, located to the south west of the site, just to the north of Walney Lane, with 20 and 22 Walney Lane located due south. The setting of listed buildings is addressed in Policy HBA4.

Taken in reverse order, it is considered that the setting of the various listed buildings of Aylestone Hill and Walney Lane will not be affected by the proposed development. The degree of landscaping and the topography between the site and the listed buildings means that there is no direct relationship between them. The setting of the buildings on Aylestone Hill is one of villas set in spacious grounds but already surrounded by more modern development. The setting of the buildings on Walney Lane is more rural but there are still buildings between the site and the listed building. There are no long views either towards or away from the listed buildings that would encompass the site and the buildings, though it would be possible to see the site and the landscape surrounding the general area of the listed buildings. However it is not considered that there is any conflict between the scheme site and these heritage assets.

The provision of the proposed vehicular access from Aylestone Hill would require the demolition of 144, Aylestone Hill. Policy HBA7 allows for demolition provided that there is an appropriate redevelopment scheme for the site; that the building in question does not make a positive contribution to the conservation area; that the structural condition is such that the cost of repair outweighs the importance of its retention.

In this case the building is a detached dwelling dating from the 1930s and of a typical suburban design for the period. Although it is within the conservation area it is not considered to make a particularly positive contribution to the character and appearance. Provided that a scheme can be put forward that is acceptable in terms of compliance with HBA6 then there is considered scope for allowing the demolition of this property. The third criterion relating to the structural

condition of the property is not necessarily relevant where it can be agreed that the building does not make a positive contribution.

In terms of the impact on the above-ground historic environment of the proposed scheme, it is considered that it is the relationship between the conservation area and the site carries the greatest weight in this instance. The site borders the conservation area for about two-thirds of the length of its west side, involves the construction of a new access road. The new access road and the consequent loss of the 1930s detached property is not considered to be detrimental to the conservation area, particularly as the same style of property would become visible. Upon approaching Hereford from the north the scheme would represent an increase in the depth of built environment to the east of the road but it would not affect the character of the road or roadside development. There would be views of the new development between the existing housing but this would in fact just mimic the existing situation further to the south and still within the conservation area. This will be most noticeable at the northern end due to the shallower plots of the 1930s row.

It is considered therefore that the views within the conservation area would be slightly altered with the proposed housing behind the existing but that the general character and appearance would not be altered. The views for footpaths in the vicinity would clearly be altered but, again, there is already a buffer zone further to the south of new development between the fields and the conservation area. This is also the case for the longer views towards the conservation area and Aylestone Hill more generally. It is acknowledged that there would be a change but it is not considered in this instance to be detrimental to the overall landscape, particularly not in historic environment terms. It is considered that the site could comply with HBA6 (8) as long as a sufficiently sensitive scheme is brought forward at Reserved Matters stage.

Overall it is considered that a scheme of appropriate quality could be accommodated on this site without detriment to the listed buildings in the area or the conservation area of Aylestone Hill. It is considered that it could comply with HBA4, HBA6 and HBA7.

4.8 Conservation Manager (Archaeology): No objection

There is no direct evidence for any heritage assets being present on the site, and little *prima facie* case for the site having the potential to include significant, currently unrecorded below ground heritage assets. Having reviewed the correspondence, I have concluded that sufficient information has now been made available, and that no further details (e.g. field evaluation reports etc.) are actually needed.

As indeed is acknowledged in Section S13 of the applicants report, there remains however a risk of lesser findings of local/regional importance, and a commensurate need for archaeological mitigation via planning condition. In order to be compliant with the NPPF Para 141, I would advise the attachment of standard archaeological condition E01/C47 to any permission granted.

4.9 Parks and Countryside

In accordance with UDP Policy H19 developments of more than sixty dwellings are required to provide a children's play area for all ages, infants, juniors and teenagers and outdoors sports provision.

In accordance with UDP Policy RST3 the open space requirement consists of:

- 0.8 ha children's play per 1000 population
- 1.6 ha outdoor sports per 1000 population
- 0.4 ha POS per 1000 population

In accordance with the NPPF, provision of what open space, sports and recreational opportunities required in a local area should be based on robust assessments of need. The POS requirements for this site (both on and off-site) should therefore be determined in accordance with the Open Space Study undertaken for PPG17 (2006) and the Play Facilities Study and Action Plans (2012) and the Playing Pitch Assessment for the Hereford Area (2012).

Using the above standards of provision and based on a development of 150 houses and a population of 330 (150 x 2.2) we would require the following amounts, however this would be a combination of both on and off site contributions to meet the needs identified in the studies:

- 0.26ha (2640 sq m) children's play space to include kick-about, formal and informal provision
- 0.13 ha (1320 sq m) POS
- 0.52 ha (5200 sq m) outdoor sport

On site Provision:

Children's Play Space/POS: To meet the requirements of the NPFA provision and thresholds for access standards and in accordance with the Play Facilities Study and Investment Plans we would require provision to be on-site as there is no opportunity to use an off-site contribution. We would want any provision to complement the neighbourhood play area being developed at Aylestone Park across the road (which is the only play facility in the vicinity). It should therefore be primarily aimed at younger children to avoid the need to cross a busy road and with provision for a kick-about for older children. This approach would improve the local offer and complement that being developed at Aylestone Park.

On a development of this size would expect to see a combination of one larger central play area, space for a kick about area and opportunities for informal recreation. This could combine semi natural open space which can be used for informal recreation, wildlife corridors and biodiversity if designed appropriately. All design of green infrastructure should be cohesive and integrated.

POS/SUDS areas: On a development of this size it is likely that there will be balancing pond/SUDs areas. If these are required they can be included as additional areas of semi natural POS and if designed appropriately to take account of health and safety issues of standing water they can provide both valuable areas for wildlife, biodiversity and informal recreation opportunities.

Off-site provision:

Outdoor sports (Pitch requirements): To meet the findings of the Playing Pitch Assessment for Hereford an investment plan is being produced which will include projects to improve and increase provision where identified. This will include the need to provide opportunities to meet deficiencies identified in football around dedicated junior pitches (5 v 5, 7 v 7 and 9 v 9) to meet with Football Association standards and facilities for training. Aylestone Park is identified as a facility to be developed as a dedicated junior football facility with training facilities including an artificial turf pitch and investment is required. An off site contribution would therefore be appropriate and would be calculated using the SPD on planning obligations based on market housing only as follows:

1 bed - £878 2 bed - £1066 3 bed - £1442 4+ bed - £1756

Sport England Contribution: SPD on Planning Obligations:

In accordance with the SPD on Planning Obligations a Sport England contribution is asked for from all residential development of over 10. This is in response to the pressure the increased

population arising from the development will bring to an aging stock of sports facilities. In accordance with the SPD on Planning Obligations, the off-site contribution is calculated on the market housing only depending on the final agreed mix. Using Sport England's facilities calculator methodology, we would require the following:

1 bed - £408 2 bed - £496 3 bed - £672 4+ bed - £818

This would be used on priorities identified Indoor Facilities provision in Hereford including the Swimming pool and Leisure facilities and accordance with priorities at the time.

4.10 Schools Capital and Investment:

There is capacity at the catchment primary and secondary schools, although the non-catchment based Roman Catholic primary and secondary schools (St. Francis Xavier and St. Marys High School) are at capacity. A contribution that is proportionate to the number of children across the country attending Roman Catholic schools i.e. 5% at primary and 8% at secondary, is thus sought.

4.11 Public Rights of Way: No objection.

5. Representations

5.1 Hereford City Council: Objection. Whilst the City Council are supportive of much needed housing developments we do not think that this particular site is suitable for such big development. The density of the proposal is out of keeping with the area and current traffic situation on the Aylestone Hill creates some anxieties about additional traffic burden this development would put on the area.

5.2 21 individual letters of objection have been received, alongside two petitions – one with 114 signatories, the other with 16. The content is summarised as follows:-

- The site is an important buffer between the edge of Hereford and the nationally significant Lugg & Hampton Meadows SSSI and the River Lugg SAC. Important greenfield sites such as this should not be developed in advance of brownfield alternatives irrespective of the Council's apparent lack of housing land;
- Although outside the SSSI, the site shares many parallels in terms of its flora, with the meadows;
- In times of flood the site is a refuge for fauna normally associated with the meadows and has provided habitat for nesting birds. Otters have been seen on the site and nearby. Additional residential development in this location will destroy this habitat and threaten this bio-diversity;
- The scale of the development is contrary to the settlement pattern locally and detrimental to the setting of the Aylestone Hill Conservation Area. Existing in-fill development has generally been sensitive and not visually prominent. This site is simply too large to integrate successfully;
- The submitted Landscape and Visual Impact Appraisal underplays the significance of the visual impact when viewed from the approach into Hereford;
- The development will urbanise one of the few remaining rural walks on Hereford's periphery. Even accepting the need for more housing, there must be sites that can be developed in preference to this sensitive site?
- The site is prone to waterlogging and immediately adjacent an area at high risk of flooding. It would be irresponsible, in the light of this and other high-profile events nationally, to grant permission for dwellings that may flood and/or struggle to obtain insurance;
- There is scepticism that the development could manage surface and land drainage run-off at better than greenfield run-off rates;

- The development, if permitted, could act as a precursor to other future incursions towards the Lugg Meadows;
- Existing dwellings suffer from low water pressure. There is no planned improvement to the infrastructure. The development would exacerbate the problem;
- The existing sewerage system cannot accommodate the additional demand;
- There are private soak-aways draining within the application site. How will these be accommodated?
- The development will result in loss of privacy to existing dwellings on Aylestone Hill;
- Has the potential impact on heritage assets, including nearby listed buildings, been properly considered?
- Any approval would be contrary to the Council's long-held protection of the area as an important element of the city's setting when approached via the Worcester Road;
- Any site visit during the term-time AM peak will reveal queuing traffic down to the proposed junction and possibly as far as the A4103 roundabout. The addition of 135 houses' worth of traffic will obviously add to the congestion;
- The vehicular access requires the demolition of a serviceable and well-established dwelling and is likely to conflict with cycle-lane improvements.

5.3 Hereford Nature Trust: Objection. A summary of the objection is set out below:-

The Lugg and Hampton Meadows SSSI is rich lowland neutral grassland with significant populations of rare plants. There has been significant loss of lowland meadow in the UK and they are now a priority habitat in the UK Biodiversity Action Plan. The extent of the SSSI is not correctly identified in the ecology report submitted in support of the application. The Lugg Rhea (tributary of the River Lugg) is also part of the SSSI and situated very close to the site's eastern boundary.

The Trust has serious concerns relating to potential adverse impacts on protected sites, the inaccurate ecological assessment, potential for pollution, loss of permanent pasture, development in a flood zone and outside the settlement boundary in respect of this planning application. The application area lies adjacent to The Lugg and Hampton Meadows SSSI, which incorporates part of and lies within the floodplain of the river Lugg SSSI. The River Lugg itself is part of the River Wye/Afon Gwy Special Area of Conservation Interest which is protected for habitats and species which are dependent on high water quality. The site, as one prone to waterlogging/flooding is not suitable for the use of a Sustainable Urban Drainage system.

The Trust considers that the ecological assessments provided by the applicant fail to demonstrate that there will be no adverse impact on the SSSI, SAC and protected species. On this basis we consider that granting of planning consent would be contrary to the policies set in the National Planning Policy Framework, the saved policies from the Herefordshire UDP and the developing policies in the draft Core Strategy. The proposed development is located within Flood Zone 1 and as such NPPF policy requires a Flood Risk Assessment to be carried out.

On this basis, HNT objects to this development and strongly urges the Council to refuse outline consent.

5.4 Plantlife: Objection (Plantlife part owns the Lugg Meadows and has been managing the land as a nature reserve for over 18 years). A summary of the objection is set out below:-

- The application site is in very close proximity to a SSSI. Plantlife takes issue with the Ecological Assessment, which says that the "SSSIs (Meadows and River Lugg) are well removed from the site boundary". The eastern boundary is only 20 metres from the Lugg and Hampton Meadows SSSI;
- Rather than forming a barrier, the Lugg Rhea forms part of the SSSI;
- Surface water run-off has potential to impact the Lugg Meadows. Failure to properly maintain the SUDs system could result in pollution of the Lugg Rhea and consequently the River Lugg SSSI/SAC. Water quality is vital to the maintenance of protected species;

Further information on the subject of this report is available from Mr E Thomas on 01432 260479

- Additional pressure will be brought to bear on the meadows. Dog walking and fouling will almost inevitably increase. Although responsible enjoyment of the meadows is encouraged, problems already result from vandalism;
- The ecological assessment is unclear as to how the “significant” benefits contributing towards the achievement of Biodiversity Action Plan targets will be achieved;
- The ecological assessment concludes that the proposed development will be an improvement relative to the “intensive” agricultural use of the site historically. The “intensity” of use and consequent nutrient run-off towards the Lugg Rhea is questioned. The site has not been ploughed in recent memory, nor are there any applications of fertiliser;
- A large-scale housing development on the edge of the city will detract from a landscape of historic importance;
- The ecological assessment is inaccurate as regards the identification of the full extent of the Lugg Meadow SSSI;
- The ecological value of the site is underplayed.

5.5 Woolhope Naturalists' Field Club

On behalf of the President and Central Committee of the Woolhope Naturalists Field Club I would like to express our opposition to this development.

Apart from the obvious issues of flooding, disposal of sewerage, water supply and traffic, which provide a host of intractable problems, glossed over by the applicant in their submission, the Club would like to reiterate some of the landscape, environmental and cultural issues more pertinent to our interests.

The land under consideration belonged to the cathedral at Hereford and was probably acquired in the 8th century. It appears in Domesday book as part of the manor of Tupsley and by the mid-12th century had become a discrete holding called Waleneya - from the Old English waellan~eg - 'island of the spring' indicating that most of the land lay on an island between the River Lugg and the stream called Lugg Rhea. It contained a mixture of pasture - the development site - and shared the commonage of the meadows - the Lammas lands - between the rivers, with the king's tenants at Lugwardine. Acknowledging the scarcity of unimproved water meadows the area was recently declared an SSSI.'

A large part of the meadows and the adjoining slopes of the Aylestone ridge now belong to the Herefordshire Nature Trust with public access virtually unrestricted between the road to Ledbury (A438) and the road to Worcester (A465). Indeed, the meadows are criss-crossed by public footpaths, fed into the landscape from the Aylestone ridge. The area is locally recognised as an Open Green Space. A satellite nature reserve has been created on the site of the ancient woodlands at Baynton Wood - the Broadlands Nature Reserve -which has a specific educational role, being adjacent to two schools and a Sixth Form College.

The land under consideration for development forms an integral part of this package of environmentally sensitive lands and acts as a buffer between the straggling Aylestone suburb and the SSSI. Since 1969 Aylestone Hill has been designated a Conservation Area to strengthen the defences of the Lugg Meadows and to protect the northern approaches to the city of Hereford, which is much enhanced by the mature planting found in the large gardens of the Victorian and Edwardian villas on the ridge. On the western slopes of the hill a new public park - Victoria Park - is in the process of being established, which already acts as a counterpoise to the more natural landscape on the eastern side of the road. Parents and children satiated by swings and seesaws are seen crossing the road for a walk across the development site for a visit to the meadows. A walk through a housing estate will destroy this connection.

The SSSI, the Conservation Area, the Nature Reserve and the Victoria Park combine to create one of the most important heritage assets in Hereford, which is underpinned by both central and

local government legislation. In particular, the National Planning Policy Framework taken in conjunction with the English Heritage Revision Note on the Setting of Heritage Assets (2012) has much to say on incongruous development proposals. Equally pertinent is Understanding Place: Conservation Area designations, Appraisal and Management (English Heritage, 2011).

Locally, there are several saved policies from the old Hereford Local Plan which affect the context of the development, together with the 'emerging' UDP policies relating to heritage assets and the setting of conservation areas. Similarly, the Herefordshire Green Infrastructure Strategy (2010) defends the green corridor linking the northern edge of the city with the Lugg Meadows and deals with other matters relating to the general setting of Hereford. More specifically, the Council has a Design and Access Statement relating to the Aylestone Conservation Area (February, 2013) plus an earlier planning guide for this site, drawn up by Hereford City Council (1998) following an earlier proposal to develop this land.

Herefordshire Council is thus well-armed to squash this application but the issues need to be tested in public before a planning inspector. We urge the Council to reject this application and prepare its case for a planning inquiry. The case for an eastern by-pass, crossing the Lugg Meadows, was dismissed at a public inquiry in 1992 on much weaker grounds and we are confident that this development will suffer a similar fate.

5.6 Hereford Civic Society: Objection. A summary of the points raised is set out below.

- The development would be a large cul-de-sac with a singular point of entry.
- The development would include re-working of standard Bovis house-types. A site such as this demands original and innovative design commensurate with Hereford's unique vernacular;
- The development will degrade the landscape;
- The development will cause additional traffic congestion.

5.7 Campaign to Protect Rural England: Objection. A summary of the points raised is set out below.

- The site is in the open countryside and the development is thus contrary to UDP housing policies and saved policy E15 (protection of greenfield land);
- The proposal is contrary to saved UDP policy LA3;
- The proposal would be visually intrusive from the Lugg Meadows and River Lugg SSSI, which forms part of the River Wye SAC;
- The proposal would significantly detract from the amenity of the public rights of way network in the locality;
- The proposal has parallels with the Home Farm case, where despite the acknowledged lack of housing land supply the Inspector dismissed the appeal, citing impact upon landscape and heritage assets as demonstrably and significantly outweighing the benefits of the scheme;
- It is concluded that the scheme is not representative of sustainable development and that the positive presumption enshrined in the NPPF should not be applied.

5.8 Ramblers Society: No objection. Care should be taken to ensure that the surfacing materials for the public rights of way traversing the site are appropriate to the context and not tarmacked. The developer should be aware of the legal obligation to ensure that public rights of way remain clear of obstruction at all times.

5.9 River Lugg Internal Drainage Board. No objection subject to conditions. The River Lugg IDB has no objection but confirms that consent will be required for the discharge of any additional surface water run-off into the adjacent watercourse and that a buffer strip for maintenance will also be required.

5.10 Applicant's response to concerns in relation to the use of Sustainable Drainage (SuDS)

The applicant has provided a response to the concerns expressed in relation to the use of the proposed SuDS scheme as a means of attenuating surface water run-off. This is summarised below:-

The overall philosophy of Sustainable Drainage Systems (SuDS) is to replicate, as closely as possible, the natural drainage processes of a site prior to development and can help to mitigate the adverse effects of urban storm water run-off on the environment. SuDS provide the ability to control surface water flows but also improve water quality, ecology and amenity within the development.

Existing site.

The existing site is currently open grass field. The soil is predominantly impermeable meaning the site is often waterlogged with standing water noted at low points and excess water flowing from the site into the Lugg Rea.

Septic tanks from the properties to the north of the site discharge into a soakaway located within the field. Due to the impermeable nature of the ground, during heavy rainfall the soakaway capacity is often exceeded resulting in polluted water running into the Lugg Rea.

Proposed Development - Drainage Scheme

In determining the solution for the disposal of surface water at the site, planning policy dictates that priority should be given to:

- the use of infiltration drainage systems; over
- discharge to watercourses; and then
- discharge to sewers.

Due to the limited infiltration potential, the next preferred discharge connection for surface water is to the local watercourse. The north-eastern corner of the site is the lowest point which lies directly adjacent to the Lugg Rea therefore it is proposed that the surface water drainage will discharge into the Lugg Rea at this location.

The proposal to manage surface water drainage for the development includes a variety of SuDS techniques within the network. The benefits of a SuDS network can be summarised as follows:

- Reduce surface water runoff rates thus reducing the risk of flooding downstream.
- Reduce surface water runoff volumes.
- Encourage groundwater recharge.
- Reduce pollutant concentrations.
- Act as a buffer for accidental polluting spills.
- Reduce volumes of water entering combined sewer systems.
- Contribute to enhancing amenity and aesthetic value of development.
- Provide habitats for wildlife in urban areas and opportunities for biodiversity enhancement.

The surface water management strategy has been developed using best practice SuDS techniques. In the absence of the anticipated 'National SuDS Standards', guidance on the suitable techniques and methods has been obtained from the EA, the Herefordshire SFRA and The SuDS Manual (CIRIA C697, 2007) among other sources.

Planning policy dictates that post-development runoff rates should, as a minimum, be limited to match pre-developed Greenfield rates for all return periods up to the 100 year (1% AEP) event. A 30% allowance for predicted climate change should also be included for residential development based on a 100 year design life horizon. In order to facilitate the controlled runoff there is a requirement for the provision of attenuation storage with flow control devices installed

on the outfall structures. Post development discharge rates and volume will match pre development rates as per planning policy and as set out within section 5.5 of the Flood Risk Assessment (FRA).

Therefore, in summary, the proposed development utilises the best technologies available in terms of sustainable drainage which will result in the following:

- Discharging surface water using the most appropriate technique within the SuDS hierarchy that is available for this site;
- Removing existing septic tanks, which currently ultimately overflow into the Lugg Rea, thereby offering betterment;
- Maintaining post development run-off rates to pre-development greenfield run-off rates and volumes, in accordance with planning policy;
- Provide habitats for wildlife within SuDS ponds, integrated into the development,

Finally, the Council's Ecologist, the River Lugg Internal Drainage Board and the Environment Agency have all returned consultation responses which raise no objections to the proposed development in this regard; indeed the Council's Ecologist considers that the proposed development will result in a biodiversity gain over and above the present situation.

Consequently, it is considered that the SuDS proposed within the current scheme complies with extant planning policy and improves the existing situation, most notably in terms of removing the existing septic tanks which, ultimately, currently discharge into the Lugg Rea.

5.11 Applicant's updated assessment of the site's existing grassland value:

In response to representations relating to the loss of biodiverse grassland, the applicant has conducted an updated ecological assessment of the application site.

The assessment concluded that grassland of conservation value would contain a much more diverse range of plants than those present at the time of survey. The report identified that the absence of common grassland plants such as Common Knapweed, Common Cat's-ear, Eyebright, Rough Hawkbit, Yellow Rattle, St. John's-worts, Vetches and Sedges is typical of intensively managed grassland. Notable species such as Corky-fruited Water-dropwort, Tubular Water-dropwort, Mousetail and Fritillary that are present in the nearby Lugg Meadows are all absent from the field.

It is concluded that grassland with even a modest ecological interest would have a conspicuous and colourful range of flowering plants at the beginning of June. The almost complete absence of wild flowers and the limited assemblage of common grasses indicate that the field is of no significant ecological interest.

At best, the localised clumps of Bird's-foot Trefoil and Meadow Vetchling are of some value, but only in the context of the site itself.

The report concluded that the proposed ecological enhancements include the creation of wildflower grassland; this would result in an increase in grassland biodiversity at the site.

5.12 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:-

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

6. Officer's Appraisal

- 6.1 The application is made in outline with all matters bar access reserved and involves the erection of up to 135 dwellings on land on the north side of Aylestone Hill with associated access, landscaping and associated works. The site lies to the rear (east) of the ribbon development lining the east side of the road on the descent towards the roundabout with the Worcester Road (junction of the A465/4103). The site is outside but adjacent the settlement boundary for Hereford City as defined by the Unitary Development Plan and located between the Aylestone Hill Conservation Area to the west and the nationally designated Lugg and Hampton Meadows SSSI a short distance to the east. The application acknowledges the sensitivity of the site and consequently takes a sensitive approach to development in recognition of the landscape quality but is predicated ultimately on the Council's lack of housing land supply.
- 6.2 Taking the characteristics of the site into account the main issue is whether, having regard to the supply of housing land, the proposals would give rise to adverse impacts, having particular regard to the likely effects upon the character and appearance of the area, nature conservation interests in the form of the two SSSIs nearby, that would significantly and demonstrably outweigh the benefits of the development so as not to contribute to the achievement of sustainable development.

Planning Policy

- 6.3 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."
- 6.4 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. 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 Plan, Hereford, as the main population centre, remains the principal focus for housing and related growth over the plan period (2011-2031).
- 6.5 The two-stage process set out at S38 (6) requires, for the purpose of any determination, 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 for the purpose of decision-taking. NPPF Paragraph 215 has the effect of superseding UDP policies 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 over the UDP housing supply policies and the presumption in favour of approval as set out at NPPF paragraph 14 is engaged *if* development can be shown to be *sustainable*.
- 6.6 NPPF Paragraph 14 states that for decision making, the presumption in favour of sustainable development means:
- *"Approving development proposals that accord with the development plan without delay;&*
 - *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."

- 6.7 In the context of the UDP and housing land supply it is the second bullet point and the weighing of positive and negative impacts that is relevant in this case. The decision-taker must decide therefore, whether the development before them is representative of sustainable development having regard to the NPPF as a whole, if the positive presumption is to be engaged. 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.
- 6.8 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. Fulfilment of the environmental role requires the protection and enhancement of our natural, built and historic environment; and, as part of this, helping to improve biodiversity.
- 6.9 In this instance officers consider that in terms of access to goods, services and employment opportunities the site is sustainably located, whereas the delivery of 135 dwellings, including 35% affordable, would contribute towards fulfilment of the economic and social roles. In this case, it is the assessment of the development's approach to fulfilment of the environmental role that is the key determinant.

Housing land supply

- 6.10 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 49 states: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."
- 6.11 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% bracket.
- 6.12 On this basis 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 should apply (if it should be concluded that the development 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 realised, greenfield sites on the edge of the existing settlement will have to be released.

The impact of the proposal upon the Lugg & Hampton Meadows SSSI, the River Lugg SAC/SSSI and the Lugg Rhea SSSI.

- 6.13 This application is in close proximity to the River Lugg Site of Special Scientific Interest (SSSI) and the Lugg & Hampton Meadows SSSI. The Lugg Rhea ditch passing just outside the site's

north-eastern boundary also forms part of the SSSI. The Lugg & Hampton Meadows are the largest surviving Lammas meadows in the UK, with management practices extending back as far as the Domesday book.

- 6.14 Paragraph 109 of the NPPF sets out the guiding principles in relation to conservation and enhancement of the natural environment and says that the planning system should contribute to and enhance the natural and local environment by *inter alia* 'protecting and enhancing valued landscapes, geological conservation interests and soils. Development should also minimise impacts on biodiversity and provide net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in bio-diversity, including by establishing 'coherent ecological networks that are more resilient to current and future pressures.' Paragraph 117 requires local authorities to plan for biodiversity on a large, cross-boundary scale, whilst attempting to preserve, restore and re-create priority habitats. Paragraph 118 contains explicit reference to development proposed on land within *or outside* a Site of Special Scientific Interest, stating that in such cases, development likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted.' The guidance further states that opportunities to incorporate biodiversity in and around developments should be encouraged and that planning permission should be refused "for development resulting in the loss or deterioration of irreplaceable habitats."
- 6.15 Representations received on this issue highlight the potential for adverse effects on the bio-diversity and quality of the Lugg Meadows and the Lugg Rhea (and consequently the River Lugg SAC/SSSI) arising from increased pressure arising from the physical proximity to a housing estate. The permanent loss of the grassland within the site itself is the second principal ecological issue.
- 6.16 Concern has been raised in the representations received relative to the potential adverse impacts of large-scale residential development on the integrity of the Lugg Rhea ditch, which is a tributary of the River Lugg SSSI/SAC. Geological investigation has revealed that the use of the sequentially preferred infiltration techniques to deal with surface water and land drainage run-off is not possible. The use of on-site attenuation techniques is envisaged applying the principles referred to at section 5.10 above.
- Discharging surface water using the most appropriate technique within the SuDS hierarchy that is available for this site;
 - Removing existing septic tanks, which currently ultimately overflow into the Lugg Rhea, thereby offering betterment;
 - Maintaining post development run-off rates to pre-development greenfield run-off rates and volumes, in accordance with planning policy;
 - Provide habitats for wildlife within SuDS ponds, integrated into the development.
- 6.17 The Hydrological Assessment for ground water defined by the underlying geology places the risk of pollutants to localised and site wide ecology to be Moderate-Low and Low respectively both currently and post-development. The Council's Ecologist is satisfied that the additional measures to be adopted for management of surface waters and flood are technologically sound, sustainable and will not affect the ecology of the SSSI either through storm events or outfall to the Lugg Rhea Brook. Both the Internal Drainage Boards and the Environment Agency are content that these issues have been adequately addressed.
- 6.18 As recognised by the Council's Ecologist, the design of the site with plantings and grassland will also have the potential to act as bioretentive filtration for run-off. Establishment of wetland 'basins' as attenuation areas for surface drainage within the sub-catchments will give attenuation of excess flows with the cleansed outfall at the flood prone north-eastern sector of the site. The potential ecological impact of polluted/eutrophic waters on the SSSI should be minimal. The 'treatment train' for surface water flow within the SuDS system incorporates filtration trenches, attenuation ponds, swales for erosion and flow controls. Additionally,

pollutant sequestering will be tackled further through the use of silt and oil interceptors prior to outfall into the Lugg Rhea. Whilst the Council does not yet have a SuDS strategy the Parks, Countryside and Recreation comments will apply that developers are advised to use

“CIRA guidance but with reference to DEFRA’s draft of the revised SuDS guidance (currently being finalised) and to reference other useful SUDs and wildlife guidance from the Wildfowl & Wetland/RSPB available from the susdrain website”.

- 6.19 The requirement for the submission and approval of a Construction Environmental Management Plan would also ensure that drainage and potential pollution issues are attended to during construction.
- 6.20 The sixty percent estimate of increased run-off resulting from development together with the allowance made for climate change adds confidence that this development will not significantly aggravate hydrological problems and it is concluded that the loss of permanent pasture in this location will have minimal impact on the water relations of the site and the SSSI.
- 6.21 The current ‘natural’ drainage from agricultural fields takes with it eroded regolith and soil organic content whilst the filtrate from septic tank soak-aways which makes its way to the land drains currently flow to the Lugg Rhea Brook in a relatively unregulated fashion (albeit naturally filtered). As the Council’s Ecologist confirms above, with redirection of foul drainage to the mains (subject to Welsh Water agreement) and regulatory technology installed for controlling surface water, site hydrology and water quality might be expected to improve substantially.
- 6.22 In conclusion on this issue, the Council’s Ecologist, the River Lugg Internal Drainage Board and the Environment Agency have all returned consultation responses which raise no objections to the proposed development in this regard; indeed the Council’s Ecologist considers that the proposed development will result in a biodiversity gain over and above the present situation.
- 6.23 Another potential impact on the adjoining SSSI is referred to in the Hereford Nature Trust and Plantlife objections as the additional pressure brought to bear by an increase in human interaction with the meadows. Although responsible use of the meadows is encouraged, Plantlife identify some issues with vandalism and dog-fouling (which can have adverse impacts on bio-diversity), and are concerned that this will increase with the potential addition of 135 dwellings to the SSSI’s periphery. Although acknowledging the potential for increased human pressures, officers do not consider that the direct impacts can be quantified to such an extent that refusal is justified on this issue alone. The vast majority of the meadows have unrestricted access and to conclude that this development would give rise to unacceptable pressures in this context is, in the view of officers, difficult to substantiate. The applicants have, however, agreed the installation of information and interpretation boards on the public footpath adjacent entry into the SSSI.

Impacts relative to on-site bio-diversity

- 6.24 Representations have been made in relation to the loss of grassland within the application site, with reference made to the loss of a very significant proportion of the UK’s lowland meadows in the last 50 years. With this in mind the applicants commissioned an updated assessment of the grassland, reported above at 5.11. The assessment demonstrates that the site is not species rich. This assessment has been reviewed by the Council’ Ecologist, who concurs with the findings, observing as follows:-

“Previous farming activities have had a deleterious effect on the biodiversity of the sward in both areas. The sward has been substantially degraded and the botanical worth of these two fields reduced to a very species poor plant community dominated by ruderals and rye grass in most areas. Additional surveys requested from the applicant have since confirmed these findings and the potential for reinstatement as unimproved grassland severely undermined. Extensive

stands of nettles reflect the enriched status of the site around the old poultry shed whilst other agricultural ruderals are frequent across much of the site.”

- 6.25 It is thus concluded that whilst not undermining the function of the site as a visual break between the meadows and the edge of city, the application site is not a bio-diverse habitat in itself. Improvements to the sward such that it might become a flower-rich companion to the Lugg Meadows would require substantive management that does not appear possible under the current agricultural regime. One of the DAS highlighted intentions for the scheme is to improve bio-diversity and the Council's Ecologist confirms that this will be possible even alongside residential development. Natural England has no objection to the development on this issue.
- 6.26 No.144 Aylestone Hill was surveyed to examine the potential for bats. The report concludes that the dwelling does not harbour any bats roosts and is unlikely to support any other protected species. Its loss will not prejudice any known ecological interests.

The impact of the proposal upon the character and appearance of the historic landscape

- 6.27 NPPF Paragraph 109 states that valued landscapes should be protected and enhanced. Paragraph 113 advises local authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. It goes further, however, and confirms that 'distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks. Appeal decisions have also confirmed that although not containing the 'cost-benefit' analysis of the NPPF, policies LA2 (landscape character), LA3 (setting of settlements), NC1 (biodiversity and development), NC6 (biodiversity action plans), NC7 (compensation for loss of biodiversity) and HBA4 (setting of listed buildings) are broadly consistent with chapters 11 and 12 of the NPPF.
- 6.28 The application site is located immediately adjacent the Lugg & Hampton Meadows SSSI at the foot of Aylestone Hill, which forms the backdrop from the majority of public vantage points from the network of public footpaths and highways to the north. The site lies within Zone 5b of the Council's Urban Fringe Sensitivity Analysis. Zone 5b forms the highly sensitive transition / buffer zone between the city and the Lugg Meadows (the sensitivity of the latter being accepted by all parties). The Conservation Manager (Landscape) objects to the proposal as set out above at paragraph 4.5. Although accepting that the site does benefit from a degree of screening, the officer considers that the submitted Landscape and Visual Impact Appraisal understates the importance of the site as part of an historic landscape; rather the LVIA has been predicated on assessment of the visual impacts, without full assessment of the impact on the historic landscape. There is disagreement, therefore, in relation to the site's sensitivity and its function as part of the transition from edge of urban to rural landscape. The Conservation Manager (Landscape) concludes that the proposed development would be contrary to saved UDP policies LA2, LA3, S7, and DR1.
- 6.29 The submitted LVIA acknowledges that the development would result in the loss of grazed pasture land, which is characteristic of the eastern slopes of Aylestone Hill. The scheme would clearly alter the landscape character of the site. Whilst reducing the permeability and openness of views along a section of the Aylestone Hill ridge, the LVIA concludes that the development would not fundamentally alter the relationship between floodplain meadows, slopes and the pattern of suburban development along the flanks of Aylestone Hill.
- 6.30 Whilst not in complete agreement with the findings of the LVIA, officers are conscious of the context set by the lack of housing land supply and the fact that although situated between the Conservation Area and SSSI, the application site is not subject to any specific landscape or conservation designation. In the absence of quantifiable, direct impacts upon the adjacent SSSIs (as discussed above), it is your officers' opinion that whilst acknowledging the site's

contribution to the landscape as a 'buffer' against the SSSI, application of NPPF paragraph 113 is necessary. Hence, in the absence of an on-site landscape designation and quantifiable direct and/or indirect impacts upon the SSSI, officers consider the scheme would not, subject to conditions, prejudice nature conservation interests locally or result in significant adverse effects on regional or local landscape character.

- 6.31 Although recognising the direct impacts arising from loss of pasture land and replacement with housing and the direct impact upon the amenity of walkers using the public rights of way network locally, these must be weighed against the benefits of the scheme, including those relevant to the economic and social roles outlined above and the potential benefits to bio-diversity within the site. The scheme includes 3.1ha of public open space, with a significant undeveloped margin to the site's northern and eastern boundaries. It is within these margins that the potential for bio-diverse attenuation basins and wildflower planting is intended. Conditions and/or S106 restrictions will be imposed requiring the formulation of detailed planting and management proposals to ensure that the development masterplan is brought to fruition at the Reserved Matters stage. The imposition of planning conditions will also address the recommendations set out at section 9 of the Conservation Manager's (Landscape) comments at paragraph 4.5 above, with particular attention being paid to detail, especially the palette of colours and materials used.
- 6.32 Whilst acknowledging a degree of conflict with the objectives of 'saved' UDP policies LA2 and LA3 and NPPF paragraph 109, in exercising the planning balance, officers conclude that the nature of harm identified, would not amount to significant and demonstrable adverse impacts that should lead to refusal; particularly given the fact the site itself is not subject to any specific landscape or nature conservation designation. It is also noted that the Conservation Manager (Landscapes) identifies that if the details of the scheme were very carefully considered, from a visual if not landscape character perspective, new houses '*could eventually be relatively well-integrated into the backdrop to the west.*'

Foul drainage and water supply - Welsh Water holding objection

- 6.33 Welsh Water has imposed a holding objection in relation to both the inadequacy of the water supply and the lack of foul sewerage capacity. Although modelling assessments have been commissioned for both, Welsh Water is not prepared to impose a Grampian condition. This is on the basis that until the scale of the requisite infrastructure requirements are known, a planning condition would lack the necessary precision and could be regarded as unreasonable in the event that it was subject to challenge.
- 6.34 The developer has sought legal advice in this regard, focussing in particular upon the undertaker's responsibilities under the Water Industry Act 1991 and the appropriate use of Grampian conditions in this regard. The advice concludes that Grampian conditions in such circumstances are lawful provided there is a prospect of the requirements of that condition being fulfilled.
- 6.35 The developer's legal advice confirms the following:-
- (i) There exists a statutory obligation on the sewerage undertaker to provide adequate sewerage infrastructure for both existing and future dwellings;
 - (ii) Appropriate planning conditions can control the timing of development to enable the sewerage undertaker to undertake any necessary works, and;
 - (iii) The scope of works and necessary payments in respect of such works is to be agreed between the developer and the sewerage undertaker in accordance with the Water Industry Act 1991 and in the event of dispute, the regulator (OFWAT) will adjudicate.
- 6.36 The advice considers that this situation is one in which a suitably structured *Grampian* condition can be used to control the phasing of development or indeed to prevent any development until

such time as the available capacity in the system has been identified and the necessary measures put in place to make improvements, if such should be the case.

- 6.37 Officers have also sought their own legal advice, which concurs with that outlined above. In conclusion, the undertaker's position can reasonably be protected through the imposition of a Grampian condition, which could regulate phasing or indeed prevent any development from occurring until such time as capacity in the sewerage and water supply systems has been identified. Officers are also aware of appeal decisions, including one within Welsh Water's jurisdiction, where Inspectors have been prepared to impose such conditions and the Welsh Water holding objection is not considered to debar determination of this application subject to conditions.

Transport

- 6.38 The application is accompanied by a Transport Assessment and Residential Travel Plan. The former has been subjected to review by the Council's Consultants, which has led to more detailed assessment of the impact upon key junctions on the approach to the city centre, including the twin mini-roundabouts at the Aylestone Hill/Folly Lane/Venns Lane junctions.
- 6.39 Guidance on the assessment of transport impacts is set out at paragraph 32 of the NPPF. Decisions should take account of whether the opportunities for sustainable transport modes have been taken up and whether safe and suitable access to the site can be achieved for all people. Significantly, the NPPF confirms "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"
- 6.40 The Transportation Manager confirms that the Transport Assessment and subsequent Technical Note indicate that there will be a worsening of the operation of the junction at Aylestone Hill/Venns Lane/Folly Lane, with resultant additional delay and queueing. This is estimated to be an additional 45 seconds in the morning peak and 30 seconds in the evening peak, with an increase in queue length of 11 and 4 vehicles respectively. The Transportation Manager's own timed assessment indicates a current travel time of around 12 minutes from end of queue to roundabout at worst time. In terms of traffic flows, the development would introduce an additional 28 vehicles towards the city and through these junctions, as compared to a total southbound flow of 583 vehicles, ie around a 5% increase.
- 6.41 Any new development will have an impact, but it is the magnitude of impact that must be determined. The NPPF does not define what is meant by 'severe' residual cumulative impacts. It is thus open to individual assessment and interpretation. A local parallel is Home Farm, Belmont. Although the appeal was dismissed, the Inspector concluded that the addition of 85 houses' worth of traffic onto the A465 would not result in the severe residual cumulative impacts envisaged by the NPPF; this conclusion being drawn in the knowledge that the A465/49 is congested with long queues, particularly in the morning and evening peaks. The Inspector concluded on this issue as follows:-

"In the context of paragraph 32 of 'the Framework' the transport impacts of the development would not be "severe". It would therefore be unsound to withhold permission on the basis of the limited increase in congestion. Whilst commonsense would suggest avoiding making a bad situation worse, I shall not treat this as a 'harm' when I undertake the overall planning balance."
(Paragraph 65 of Inspector's Home Farm Appeal Decision APP/W1850/A/13/2192461)

- 6.42 Therefore, whilst further delay and queueing on the highway network is undesirable from a motorist point of view, it could also be argued that if total mitigation of additional vehicle trip impact is provided by way of additional road capacity, there is less incentive to use sustainable modes. Therefore in the view of your officers, mitigation is better achieved by providing and encouraging the use of sustainable travel modes, not just for the development but for existing

car users. Officers consider that the Travel Plan and the schemes indicated in the Draft Heads of Terms would assist in the reduction of the residual cumulative impact.

- 6.43 With provision and introduction of those mitigation measures listed in the Draft Heads of Terms and introduction and promotion of the Travel Plan, it is considered that the residual cumulative impact would not be severe and that in common with Home Farm, it would be unsound to withhold permission on this issue alone.

Other Matters

S106 Draft Heads of Terms

- 6.44 The S106 draft Heads of Terms are appended to the report. CIL regulation compliant contributions have been negotiated and are summarised as follows:

- 'Education Contribution' - £83,861 based on current housing mix. This figure recognises the fact that the catchment primary and secondary schools have capacity.
- 'Sustainable Transport Contribution' - £256,280 based on current housing mix. This money would be directed towards sustainable transport projects, with potential expenditure on enhancing cycling infrastructure through Aylestone Park and the Prospect Walk cycle scheme. An upgrade to the SCOOT traffic signal controls between the site and the city centre has also been identified at a cost of approximately £20,000.
- 'Off site play' - £138,322 based on current housing mix. This contribution would be directed towards the delivery of sports pitches at Aylestone Park to assist with the fulfilment of long-standing proposals for the site. Alternatively the developer would covenant with the Council to deliver sports pitches in accordance with a pre-agreed specification in lieu of a financial contribution.
- 'Indoor sports' - £64,000 based on current housing mix. This contribution would be directed to indoor sports facilities in the city in accordance with the Indoor Sports Facilities Study.
- 'Waste & Recycling' – £10,680 based on current housing mix.

- 6.45 The S106 will also include provisions to ensure 35% of the development meets the definition of affordable housing, together with requisite standards and eligibility criteria. A maintenance contribution towards the management of on-site public open space and the SUDs basins, which will be adopted by the Council, will also be required.

Impacts on Archaeology & the setting of Heritage Assets

- 6.46 The potential for significant archaeology on site is considered low. A planning condition requiring a written scheme of investigation is nonetheless recommended as a safeguard. The Conservation Officer (Historic Buildings) confirms that the development would not materially harm the setting or significance of any of the nearby listed buildings, which are already substantially enclosed by later development up the ridge. The scheme is not, therefore, contrary to NPPF policies of saved policy HBA4. The scheme is also considered acceptable in relation to the impact on the character of the Conservation Area and the loss of No.144 itself.

Arboricultural Impacts

- 6.47 A total of five trees require removal, principally to facilitate the means of access and the centrally located drainage area. Elsewhere the root protection area of retained trees is respected by the masterplan, including two off-site trees in the grounds of The Shires (formerly Walney House) which are subject of a Tree Preservation Order. A condition is recommended

requiring the protection of retained trees. The scheme also envisages the planting of approximately 130 trees and several hundred metres of hedgerow. In this respect the proposals are considered to accord with saved UDP policy LA5 (protection of trees, woodlands and hedgerows) and NC7 (compensation for loss of biodiversity).

The impact on neighbouring properties

- 6.48 The development would have an impact on the outlook of a number of properties on Aylestone Hill; most obviously those to the immediate west of the site. The loss of amenity in terms of outlook has the potential to be significant, although the planning system affords no protection to existing views from private dwellings.
- 6.49 In terms of direct impacts arising from overlooking, the masterplan indicates a significant buffer between dwellings on and off site, capitalising on the presence of the Welsh Water main which runs the length of the western boundary. The layout demonstrates that the desirable 21 metre window-to-window distance can be achieved. Officers are therefore satisfied that subject to careful assessment at the Reserved Matters stage a layout can be designed that adequately mitigates the potential for overlooking. In this regard the DAS also references the potential citing of bungalows on the lower-lying land on the site's western boundary, which would further assist in this objective. The proposal is therefore considered capable of satisfactorily addressing concerns expressed by neighbours and fulfils the requirements of saved UDP policies DR1 and H13 and NPPF paragraph 17, which seeks high quality design and good standards of amenity.

Community consultation

- 6.50 The site was subject of public consultation via an exhibition held at the Royal National College for the Blind. This was publicised via a leaflet drop to over 300 local addresses and adverts placed in the Hereford Times. Officers are content that the consultation exercise has fulfilled the requirements of the adopted Statement of Community Involvement and that the process has informed the resultant design.

Precedent

- 6.51 Concern has been expressed that approval of this development might signal the potential for further applications on the Aylestone Hill ridge. Each case must, however, be decided on its merits and the setting of a precedent is not reason to withhold permission.

Conclusions and Recommendations

- 6.52 The Council cannot demonstrate a five-year supply of housing land with requisite buffer. The housing policies of the UDP are thus out of date and the full weight of the NPPF is applicable. UDP policies may be attributed weight according to their consistency with the NPPF; the greater the consistency, the greater the weight that may be accorded. The pursuit of sustainable development is a golden thread running through both plan-making and decision-taking and identifies three dimensions to sustainable development; the economic, social and environmental roles.
- 6.53 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. The site lies outside but directly adjacent the built up edge to Hereford City, in what is in locational terms a sustainable location with good access to a wide variety of services, facilities and employment opportunities. In this respect the proposal is in broad accordance with the requirements of chapter 4 of the NPPF (Promoting sustainable travel).

- 6.54 The contribution the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged as fulfilment of the economic role. Likewise S106 contributions and the new homes bonus should also be regarded as material considerations. In providing a greater supply of housing and breadth of choice, including 35% affordable, officers consider that the scheme also responds positively to the requirement to demonstrate fulfilment of the social dimension of sustainable development.
- 6.55 The tension, in this case, relates to the environmental role. In ecological terms, officers conclude that there is no overriding evidence of significant or demonstrable harm of nature conservation interests. Subject to the imposition of conditions Natural England, the Environment Agency and the Council's Ecologist record no objection. The potential for the scheme to benefit water quality in the Lugg Rhea (and consequently the River Lugg SSSI/SAC), the biodiversity of the site itself and the lack of direct impact on the flora of the Lugg & Hampton Meadows SSSI lead officers to the conclusion that notwithstanding the potential harm to visual amenity, the scheme is representative of sustainable development from an environmental perspective. 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 itself is not subject to any national or local designations that indicate that development ought to be restricted.
- 6.56 Officers conclude that there are no highways, drainage, ecological or archaeological 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:

- 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 EDP and the Design and Access Statement (Bovis Home) dated March 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 135 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. H30 Travel plans
18. E01 Site investigation - archaeology
19. L01 Foul/surface water drainage
20. L02 No surface water to connect to public system
21. L04 Comprehensive & Integrated draining of site
22. G04 Protection of trees/hedgerows that are to be retained
23. G10 Landscaping scheme
24. G11 Landscaping scheme - implementation
25. No development shall take place until a foul drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use and no dwelling shall be occupied until the approved foul drainage system has been constructed, completed and brought into use in accordance with the approved scheme.

Reason:

26. The recommendations set out in Section 5 of the ecologist's report from Ecology Services dated March 2014 should be followed in relation to species mitigation and habitat enhancement. Prior to commencement of the development, an ecological management plan incorporating habitat enhancement, creation and management with an ecological interpretation of the site and its environs. The management plan should be submitted to, and be approved in writing by, the local planning authority and the work shall be implemented as approved.
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

27. Prior to commencement of development, a Construction Environmental Management Plan shall be submitted for approval in writing by the local planning authority and shall include timing of the works, details of storage of materials and measures to minimise the extent of dust, odour, noise and vibration arising from the demolition and construction process. Specific measures to safeguard the integrity of the adjacent SSSI including the Lugg Rhea Brook should be highlighted such as pollution risk and increased use projections. The Plan shall be implemented as approved.

Reasons: To ensure that all species and sites 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's Unitary Development Plan.

To comply with policies NC8 and NC9 within Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006.

INFORMATIVES:

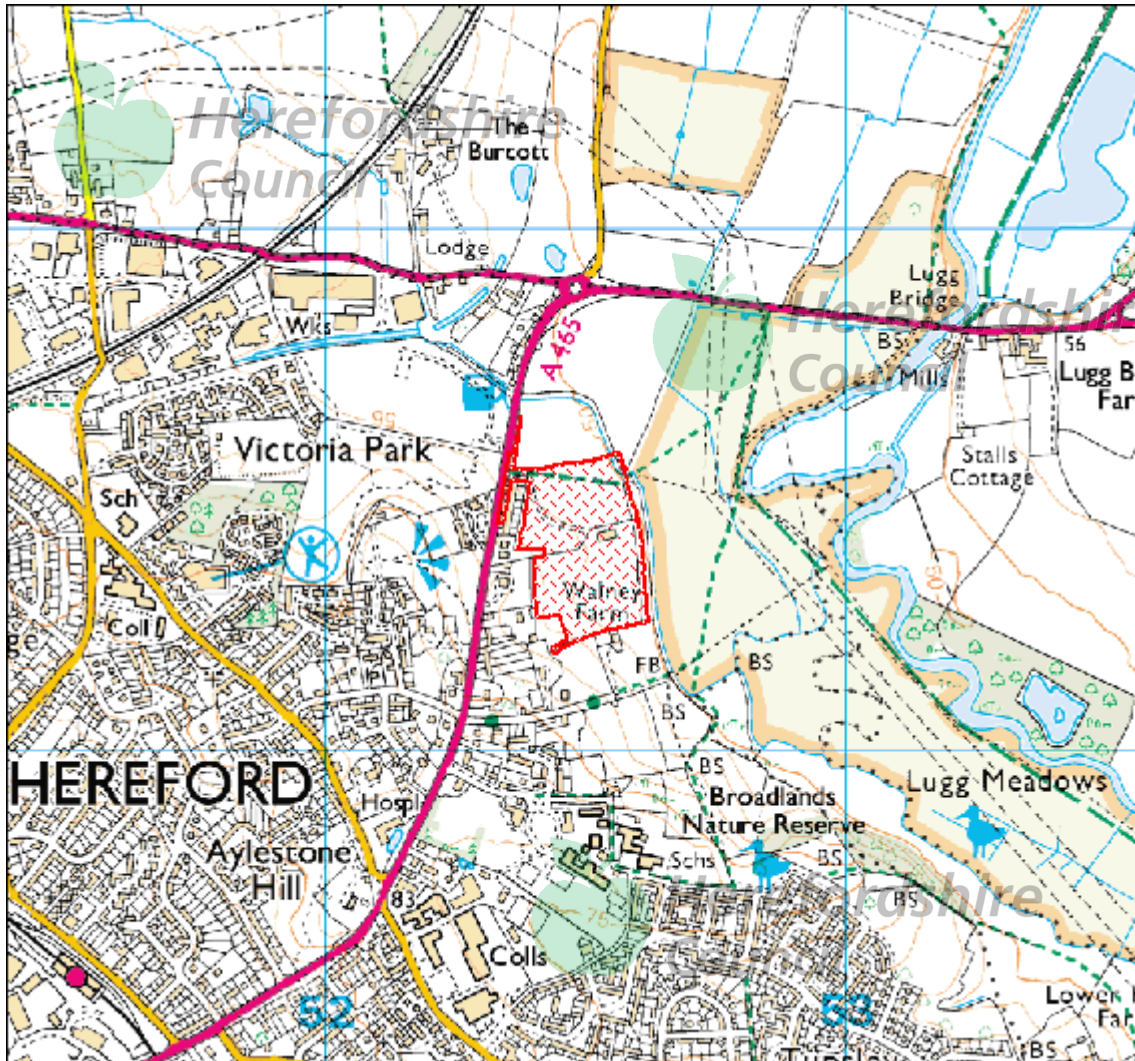
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission 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. HN08 Section 38 Agreement & Drainage details
4. HN07 Section 278 Agreement
5. HN04 Private apparatus within highway
6. HN28 Highways Design Guide and Specification
7. HN27 Annual travel Plan Reviews
8. HN25 Travel Plans
9. HN13 Protection of visibility splays on private land

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 140963/O

SITE ADDRESS : LAND AT 144 AYLESTONE HILL, AND LAND TO THE EAST OF AYLESTONE HILL, HEREFORD, HR1 1JJ

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