

<b>MEETING:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>2 APRIL 2014</b>
<b>TITLE OF REPORT:</b>	<b>132851/O - RESIDENTIAL DEVELOPMENT (UP TO 120 DWELLINGS), ACCESS, PARKING, PUBLIC OPEN SPACE WITH PLAY FACILITIES AND LANDSCAPING AT LAND SOUTH OF HAMPTON DENE ROAD, HEREFORD</b>  <b>For: The Owner and/or Occupier per Ms Rachel Adams, 1 Broomhall Business Centre, Broomhall Lane, Worcester, WR5 2NT</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132851">https://www.herefordshire.gov.uk/planningapplicationsearch/details/?id=132851</a>

**Date Received: 22 October 2013**

**Ward: Backbury**

**Grid Ref: 353508,239909**

**Expiry Date: 21 January 2014**

Local Members: Councillor J Hardwick

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

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

- 1.1 Outline planning permission with all matters bar access reserved is sought for the erection of up to 120 dwellings with landscaping which includes public open space and a structural planted 'buffer' on land south of Hampton Dene Road, Hereford.
- 1.2 The site is situated in the parish of Hampton Bishop which lies on the eastern edge of Hereford city. The land lies outside the settlement boundary and was identified as land with no potential during the Plan Period in the Herefordshire Strategic Housing Land Availability Assessment (SHLAA).
- 1.3 There is a distinct division between the modern built edge / townscape to the west and open countryside to the east which is clearly marked by Holywell Gutter Lane (and its associated vegetation), which runs roughly north – south along the ridgeline and forms the site's south-western boundary.
- 1.4 To the east of the site is arable farmland, the land sloping down to the River Lugg valley and then rising towards Lugwardine to the north east. The Wye Valley Area of Outstanding Natural Beauty (AONB) is visible to the south east. To the south there are orchards and beyond, the River Wye.
- 1.5 To the north, beyond the properties and grounds of Hampton Dene and Tupsley Court, is the A438 and beyond is the Upper Lugg Meadow.
- 1.6 The site area is approximately 4.7hectares. It comprises a grassed field currently used for horse-keeping, and there is a small stable / storage area. The boundaries of the site are

---

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

variously established native species hedgerows (with good, mature oak along Holywell Gutter Lane), bramble scrub, occasional trees and dense woodland along the north-western boundary of the site adjacent to Hampton Dene Road. There is a mature oak in the middle of the field which is an important local feature.

- 1.7 The majority of the site is flat but it slopes away along the eastern and south-eastern boundaries. The site is well-screened from most viewpoints to the north, south and west but it is visible from several viewpoints to the north east, east and south east and from public rights of way adjacent to, and close to the site.
- 1.8 A single point of vehicular and pedestrian access is proposed directly from Hampton Dene Road. This is a modification of the existing access to the site and the Grade II listed Meadow Cottage which backs onto the application site. The access would comprise a 5.5m carriageway with 2.0m footways on either side and would be formed so as to provide 4.5m x 45m visibility splays to the nearside of Hampton Dene Road in each direction. The formation of this access would necessitate removal of a section of the existing low stone wall which defines the carriageway's edge and some of the existing tree cover associated with the unregistered park and garden associated with Hampton Dene House.
- 1.9 The application is accompanied by a wide range of supporting material including the following:-
  - Planning Statement;
  - Design and Access Statement and Framework Masterplan;
  - Landscape and Visual impact Assessment;
  - Ecological Appraisal;
  - Transport Assessment and Travel Plan;
  - Summary Statement of Community Involvement;
  - Drainage and Flood Risk Assessment; &
  - Arboricultural Assessment.
- 1.10 The Design and Access Statement (DAS) sets out the aspirations for the development, setting out the intention to utilise a street hierarchy influenced by Manual for Streets, with opportunities taken to make connections to the existing settlement via the local footway network; including direct access onto Holywell Gutter Lane. The framework master-plan shows a 'street' running through the site from north-west to south-east from which a series of secondary roads spur. The framework also outlines the intention to utilise attenuation basins for excess surface water on the lower-lying land on the eastern boundary, where significant structural planting is also proposed as a means to filter views from vantage points to the east and north-east. A buffer zone is also intended against the common boundary with the listed cottage.
- 1.11 The framework master-plan also indicates the proposed location of public open space next to the veteran oak tree on site.
- 1.12 The application is also accompanied by a Housing Land Supply study. This confirms the deficit that has been identified by the Inspector's decision in relation to the Home Farm, Belmont appeal (S122747/O).
- 1.13 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:

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

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

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S7	-	Natural and Historic Heritage
DR1	-	Design
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
H7	-	Housing in the Countryside Outside Settlements
H10	-	Rural Exception Housing
H13	-	Sustainable Residential Design
H15	-	Density
H19	-	Open Space Requirements
HBA4	-	Setting of Listed Buildings
HBA9	-	Protection of Open Areas and Green Spaces
T8	-	Road hierarchy
LA2	-	Landscape Character and Areas Least Resilient to Change
LA3	-	Setting of Settlements
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
ARCH3	-	Scheduled Ancient Monuments
ARCH6	-	Recording of Archaeological Remains

### 2.3 Herefordshire Local Plan – Draft Core Strategy

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land for Residential Development
SS4	-	Movement and Transportation
SS6	-	Addressing Climate Change
RA1	-	Rural Housing Strategy
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

Hampton Bishop has a designated Neighbourhood Plan Area. The area includes the application site. The plan is still at an early stage of preparation and is not considered to attract weight in the determination of this application.

## 2.5 Other Relevant National and Local Guidance / Material Considerations

Annual Monitoring Report  
 Urban Fringe Sensitivity Analysis  
 Planning for Growth – 2011  
 Laying the Foundations – 2011  
 Housing and Growth – 2012

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:-

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

## 3. **Planning History**

3.1 None

## 4. **Consultation Summary**

4.1 Welsh Water: No objection subject to the separation of foul and surface water drainage. Welsh Water confirms no anticipated problem with the waste water treatment or water supply in relation to this development.

4.2 Environment Agency: No objection.

### Internal Council Advice

4.3 Traffic Manager:

The additional traffic will have an impact on the signalised junction Ledbury Road/Folly Lane/ Church Road, and this is indicated by the latest addendum assessment provided, but the flows predicted to join Ledbury Road at the Hampton Dene Road junction and then travel westbound is only 33 vehicles in the morning peak hour, an increase of 4% of the westbound traffic flow. The signals are close to saturation, and the additional traffic will extend the queuing that currently occurs. The assessment assumes that all trips joining Ledbury Road will arrive at the signals. However, in practice, a proportion of existing A438 westbound traffic in the morning peak currently uses the Whittern Way route to Folly Lane and some cuts through Winchester

Drive and onwards to access A438 at Quarry Road. A similar, but opposite direction of travel, scenario occurs in the evening peak. This alleviates the flows on Ledbury Road at the signals. It is likely that some of the development traffic may also choose these routes. It may also be that more of the development traffic travels south west from the site and onwards through the residential area via Old Eign Hill and Vineyard Road to access B4224 Hampton Park Road and enter the city centre via that route in the morning peak and the reverse in the evening peak. Whilst the re-routing of traffic through residential areas is undesirable, if all the development traffic re-routed through one of those routes, it would only equate to one vehicle every two minutes which is minimal.

Furthermore, if greater queuing occurs on Ledbury Road westbound at the signals, as indicated in the assessment, then it is also likely that drivers travelling on A438 from further field may choose an alternative route such as from A438 Bartestree to A4103 at Whitestone and on to Hereford via that road, or from Dormington via Mordiford and then on B4224 through Hampton Bishop to Hereford. Therefore the effect on the signals may not be as predicted.

Paragraph 32 of the National Planning Policy Framework states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. “Severe” is not defined and is therefore open to interpretation. I am of the view that the resultant traffic impact of the development would not constitute a severe impact, and therefore would not form transport grounds for refusal, particularly as in sustainable terms the site is well placed for schools, local facilities, colleges and with regular (half hourly) public transport to/from the city centre from nearby stops on Hampton Dene Road. Section 106 contributions will enable improvements to travel by sustainable modes to encourage greater usage of those modes, thereby mitigating, at least in part, the residual impact of the development.

#### 4.4 Conservation Manager (Landscapes):

*Landscape Designations:* The site is currently in ‘open countryside’, lying outside the settlement on the east side of Holywell Gutter Lane. It has no formal landscape designation.

The boundary of the Wye Valley Area of Outstanding Natural Beauty (AONB) is approximately 3.8km to the south east, where there is a public viewpoint above Prior’s Frome.

The development site is barely visible from the public viewpoint at the edge of the Wye Valley AONB and no significant adverse visual effects from here, or adverse effects on the AONB itself, are anticipated. The unregistered park and garden of Hampton Dene House encroaches onto the north-west portion of the site.

*Landscape Character:* The site’s landscape character type is Principal Settled Farmlands; these are settled agricultural landscapes of dispersed scattered farms, relic commons, and small villages and hamlets. The key primary characteristic of this type is ‘hedgerows used for field boundaries’. In terms of settlement pattern, ‘low densities of individual dwellings would be acceptable as long as they are not sited close enough to coalesce into a prominent wayside settlement pattern. Additional housing in hamlets and villages should be modest in size in order to preserve the character of the original settlement’. The overall strategy for Principal Settled Farmlands is to ‘conserve and enhance the unity of small to medium scale hedged fields’.

In Herefordshire Council’s Urban Fringe Sensitivity Analysis (USFA) (January 2010), the site lies within a zone defined as having *High Sensitivity*. This zone comprises the steep slope between the edge of the city and the Lugg meadows. The slope is highly visible and a key element in the setting of Hereford when approaching Hereford across the Lugg Meadows, either on the A465 or the A438.

The application site is situated in a prominent position on the ridge above the Lugg Valley, and the site and steeply sloping fields to the east are identified as a distinctive part of the setting of Hereford in the UFSA, as set out above. The landscape quality and sensitivity of the site and

associated landscape to the east are high and they are highly susceptible to change. Development in this location would result in the intrusion of built form into open countryside, beyond an ancient boundary that is Holywell Gutter Lane. Modern residential development here would not be characteristic of the wider rural and historic landscape to the east. Previously the only development on the east side of Holywell Gutter Lane was the 17<sup>th</sup> century Meadow Cottage; an unfortunate recent breach of the lane by modern housing development at Copsewood Drive; and two large properties at its southern end. The proposed development at the southern end, if/when built, will result in the south-eastern edge of Hereford extending further into the countryside. Whilst this will reduce the quality of the landscape character of the area, it is all the more reason to preserve and protect the good quality landscapes which still remain. It is also important to note that the latter development is on land which is lower than this application site and behind intervening vegetation and will therefore not be read in the same landscape context at the application site, which is at the top of the ridge.

The magnitude of impact of the development (i.e. the loss of open countryside and its replacement with a modern housing estate) is large adverse, resulting in a moderate adverse effect on landscape character within the area of influence of the site.

In terms of local landscape character, the proposed buffer planting to the eastern boundary would not be in keeping with local landscape characteristics and would not mitigate the adverse effects on the wider landscape character.

In the context of the city itself, the area of influence of the site is quite limited due to the dense vegetation (mature trees/woodland with a high proportion of evergreens) along Hampton Dene Road and the northern section of Holywell Gutter Lane (in the grounds of the listed building). However several trees along Hampton Dene Lane would have to be removed to accommodate the proposed access. The dense tree cover along the lane is a strong landscape element with historic value and the creation of the access would result in a moderate to major adverse effect on local landscape character. The proposed new woodland planting would help to compensate for the removal of trees required to facilitate the access, but would not mitigate the effects.

The tree survey suggests that some of the trees in the woodland form part of the original structural landscape planting of Hampton Dene House (see below). It states that the proposals are able to retain and incorporate all of the other existing trees present around the boundaries (including those within Hampton Dene garden) as well as the free standing specimen within the field (which is shown on the plan as retained within public open space).

The condition of the site is currently moderate as a result of the current land-use (although it could be improved) but in terms of its local historic value, it is high.

*Landscape Function and Value:* The site is a prominent remnant of the open countryside beyond the historic boundary marked by Holywell Gutter Lane and makes an important contribution to the setting of the edge of the city in views from the east. The Green Infrastructure Strategy for Herefordshire (February 2010) states that the site falls within Hereford Fringe Zone HerFZ 1 (wet grassland, wet woodland, ponds and linear aquatic features). The fringe zones are areas where green infrastructure can contribute to creating a comfortable, dynamic and functional transition between the settlement and open countryside. The site currently contributes to local Green Infrastructure in accordance with the Strategy; it is also important to local visual amenity along Holywell Gutter Lane.

Holywell Gutter Lane which forms the site's south western boundary is a public right of way (footpath/bridleway HER47). The Three Choirs Way, a long-distance trail, follows the A438 north of the site. There are public rights of way leading west of Holywell Gutter Lane into Tupsley. Lugg Meadow is designated Open Access land but access to Lower Meadow is not permitted between 1<sup>st</sup> March and 1<sup>st</sup> July. No public rights of way are directly affected by the proposals. For effects on historic landscape features and visual amenity, see below.

*Historic and Cultural Landscape:* A Scheduled Ancient Monument (SAM) (cropmark complex east of Tupsley - prehistoric ring ditches and rectilinear enclosures, and possible Bronze Age barrow cemetery) lies 550m east of the site. The proposed development is inter-visible with

---

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

the SAM and its rural setting is likely to be adversely affected although the LVIA predicts that the effects would reduce as the structure planting matures over the longer term. Lugg Meadow itself is the most important surviving Lammas meadow in the UK and is likely to have formed part of the Bronze Age settlement's seasonal grazing lands. The UFSA states that within Zone 5b, the key landscape characteristics of the Lugg Meadow river floodplain are evident: pastoral land use, linear patterns of willow and alder and an absence of built development. The proposed development would bring built development closer to the Meadow, adversely affecting its setting. The proposed structure planting on the site's eastern boundary is out of character and unlikely to fully mitigate these effects in the longer term.

There is a Grade II listed building (timber-framed 17<sup>th</sup> century house) and its garden adjacent to the site's western boundary. The Grade II listed building (Meadow Cottage) and its grounds will not be directly affected by the development but the setting will be significantly compromised by the development, which will change from historic parkland/open fields to modern housing.

Hampton Park Conservation Area is about 400m south of the site. The development is unlikely to adversely affect the setting of Hampton Park Conservation Area as the sites are separated by built development and not inter-visible.

The northern sector of the site occupies part of an Unregistered Historic Park and Garden (Hampton Dene, 19<sup>th</sup> century Landscape Park). The garden is also registered as an asset on the HER (HER31158). The development will result in the loss of more than half of Hampton Dene Unregistered Historic Park and Garden. The remaining half is occupied by the house and immediate surrounds so it is predominantly historic parkland which will disappear. This is a significant adverse effect on local historic character, which is exacerbated by the permanent change in character of this section of Holywell Gutter Lane.

Holywell Gutter Lane is an historic route (possibly established in the 8<sup>th</sup> century) which marked the eastern boundary of 'the Liberty of Hereford'. Although it is not directly affected by the proposals there are likely to be indirect adverse effects on the lane through changes in its character arising from increased use, erosion, litter, lighting, noise and activity and views of new houses.

*Natural Landscape:* The River Wye Special Area of Conservation (SAC) (which incorporates the River Lugg) is located approximately 700m south of the site at its nearest point. The River Lugg is located 700m north east of the site, which in addition to its SAC designation is also designated as a Site of Special Scientific Interest (SSSI) (Lugg and Hampton Meadow), the boundary of which, at its closest point, is 200m away from the site. It is unlikely that there would be any direct effects for example from humans and domestic pets on the amenity of the River Lugg SSSI complex.

*Visual Amenity:* The site is well-screened from most views from the north, south and west but it is visible from several sensitive viewpoints to the north east, east and south east: there is a 180° panorama from the site to the AONB and there are views in from residential properties and public rights of way both adjacent and close to the site. In views from the east, the skyline along the ridge is characterised by dense, mature vegetation (including the line of oak along Holywell Gutter Lane and many ornamental historic parkland trees). The site is clearly visible and is seen as part of the open valley slope beyond the strong tree line. Development of the site would result in a major negative effect on these views.

The proposed buffer planting to the east of the site could partially screen views in the longer term (but the trees may need to reach 10 – 12m tall before they screen views from Lugwardine, and higher-level views from the AONB may not ever be fully screened). As stated above, planting here would be out of character. Also, if reliance is placed on this planting to mitigate visual effects a mechanism needs to be put in place to ensure that these trees (and existing ones) are not gradually removed by future residents to improve light, views, amenity etc.

The visual amenity of local residents and users of Holywell Gutter Lane will be adversely affected by the change in landscape character and views caused by new built development, the loss of trees and access off Hampton Dene Road and the introduction of lighting, domestic clutter and increase in activity.

#### *Conclusions*

Development in this prominent, historic and highly sensitive location would be inappropriate and out of keeping with both local and wider landscape character. It would give rise to moderate to major negative effects on landscape character (including an historic landscape) and visual amenity and for these reasons the application should be refused.

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

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

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

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

4.6 Drainage Engineer:

The submitted Flood Risk Assessment (FRA) concludes there is no risk of fluvial, tidal, surface water or reservoir flooding to the site. The FRA notes that groundwater levels are high or perhaps perched within the site boundary. The applicant has not provided infiltration testing results but trial hole logs have been provided in the Preliminary Risk Assessment (Ref: LKC 13 1015) as evidence of this conclusion. The FRA notes that no infiltration is likely to be possible due to clayey superficial deposits and a high groundwater table. No watercourses are accessible without crossing third party land and for these reasons the applicant is proposing to connect surface water drainage into the existing surface water sewerage network owned and operated by Welsh Water.

#### *Fluvial Flood Risk*

The applicant's proposed development is located entirely in Flood Zone 1. The site is greater than 1 ha in area and so a FRA has been submitted by the applicant. The FRA concludes that there is no risk of fluvial flooding as confirmed by the EA's Flood Zone map and correspondence between the applicant and the EA is provided as an appendix to the FRA.

#### *Surface Water Flood Risk*

The applicant's FRA considers the risk to the site posed by surface water flooding arising from runoff from Hampton Dene Road and concludes that the risk is negligible. The FRA also considers the risk arising from within the site as existing ground appears to be relatively low permeability clay. The FRA concludes this latter risk to be due to a high/perched water table and recommends further consideration of a dewatering strategy for the area.

#### *Other Considerations and Sources of Flood Risk*

The FRA notes that no sewers are present within the applicant's proposed development area so the risk to the site posed by sewer flooding is low. No artificial sources posing a risk to the development have been identified within the FRA.

Groundwater flood risk to the site is noted in the applicant's FRA as warranting further consideration. The FRA concludes that appropriate waterproofing of below-ground structures,



including service installations and/or dewatering of the ground may be required due to the presence of a high/perched groundwater table. Trial hole logs have been provided by the applicant as evidence of the high water table. The FRA notes that the site is located on an area of land classified by the EA as Secondary A aquifer capable of supporting water supplies at a local level and of with soils of intermediate leaching potential. The applicant proposes to protect surface and groundwater from pollution through use of filter strips, permeable paving and ponds. It is recommended that further investigation, including borehole tests, be undertaken to better understand ground water conditions on site and provide enough information to enable appropriate design at a latter stage in the development process.

#### *Surface Water Drainage*

The applicant has considered discharging surface water to infiltration devices and to a watercourse, however the FRA concludes that the high/perched water table and clayey soils precludes the use of infiltration methods and no watercourse is accessible without access through third party land. No infiltration rate calculations have been provided but trial pits logs have been provided in the Preliminary Risk Assessment (Ref: LKC 13 1015) as evidence of limited infiltration potential. It is recommended that the applicant undertakes infiltration testing in accordance with BRE Digest 365 prior to construction to determine the potential for any onsite infiltration (informed through detailed review of groundwater levels) and that, if possible, infiltration is utilised as part of the surface water management strategy.

The applicant is proposing to attenuate discharge into Welsh Water's public surface water sewer at a rate to be agreed between the applicant and by Welsh Water. The applicant is proposing to use permeable paving and cellular storage to attenuate flows at the Greenfield rate during events up to the 1 in 30 year design storm. For more severe events up to and including the 1 in 100 year + climate change event the applicant is proposing to cascade flows from cellular storage into ponds before discharging at the Greenfield runoff rate into the public sewer via a pumped/gravity connection.

No information has been provided regarding the adoption and proposed long term maintenance strategy for the surface water drainage system. It is also recommended that, due to the site of this development, consideration is given to designing for exceedance (CIRIA C635 Designing for Exceedance in Urban Drainage) and that overland flow paths are considered.

#### *Overall Comment*

There are no objections in principle on flooding or drainage grounds, subject to the following:

- The provision of a detailed drainage strategy that demonstrates the use of SUDS, sets out the proposed adoption and long term maintenance strategy, and demonstrates consideration of designing for exceedance.
- On-site infiltration testing to confirm the site's suitability (or not, as the case may be) for infiltration of surface water runoff.
- Further site investigation to better understand ground water conditions to inform the design and inform the use of SUDS.
- Confirmation of agreement with Welsh Water regarding the allowable discharge of surface water to the public sewerage network.

#### 4.7 Principal Leisure & Countryside Recreation Officer

The proposal generally meets with the policy requirements for open space from developments of this size. This development is for approximately 120 dwellings and in accordance with the Design and Access Statement in accordance with National Playing Fields Association (NPFA) standards provides on-site an area of:

0.46 ha youth and adult use

0.23 ha children's play

The proposal identifies one large central space which in accordance with UDP Policy would meet the requirements for both children's play and outdoor sports. However, given the requirements for outdoor sports this should not be provided on-site. Provision on site should meet the requirements for POS and children's play only, to include provision for all ages, a kick-about area, to be centrally located with good access links and designed to include both formal and informal natural play and recreation opportunities. This could include the indicative green infrastructure and attenuation ponds which if designed accordingly with both health and safety and biodiversity in mind could be used as informal play and recreational purposes.

Other considerations could also include community gardens around village green type layouts for the local community to develop with locally characteristic community orchards and growing spaces.

On the basis of the developer's willingness to provide allotments and a children's play area on the site, contributions required towards outdoor sport pursuant to the SPD on Planning Obligations are as follows: (market housing only):

1 - bed - £588

2 - bed - £714

3 - bed - £766

4+ bed - £1176

The contributions would be put towards the development of sports pitches at Aylestone Park in support of the findings of the Playing Pitch Assessment for Hereford.

*POS/Attenuation Ponds:* The proposal includes areas of green infrastructure to accommodate attenuation ponds. If designed appropriately these areas can be used as informal recreation and provide for biodiversity. Provision of semi natural POS in this way would also help meet deficiencies in this part of the city identified in the PPG 17 Open space study.

The linear nature of this area can also provide opportunities for natural play and development of "health" trails with the provision of access and pathway links to the residential areas. At the more detailed design stage this should be considered as part of the play offer.

*Adoption/Commutated sums:* Commuted sums will be required for the future management and maintenance on agreed designs (at the appropriate stage) in accordance with our latest tariffs if to be adopted by the Council. In places where the nature of the open space is more community orientated e.g community gardens, the council would not wish to be responsible for the on-going maintenance; where this happens other options such as management companies should be explored.

#### 4.8 Public Rights of Way Manager: The proposal does not appear to affect the bridleway HER47 and there is no objection.

- 4.9 Environmental Health Manager: No objection in relation to the submitted air quality assessment
- 4.10 Schools Organisation and Capital Investment Officer: No objection subject to the finalisation of a S106 to ensure a policy/CIL compliant contribution towards educational infrastructure.
- 4.11 Housing Development Officer:
- The scheme proposes 35% of the units to be affordable, which is acceptable. The affordable units need to be tenure neutral and well integrated within the development. The units would need to be built to Homes and Community's Design and Quality Standards, Lifetime Homes and Level 3 of the Code for Sustainable Homes with local connection to Hereford. The units should comprise an appropriate mix of 1, 2, 3 and 4-bed units built to minimum space requirements. The recommended tenure split is 54% social rent and 46% intermediate tenure, this will allow an option of intermediate rental, shared ownership or low cost market.
- 4.12 West Mercia Police: The developer should refer to Secure by Design and other recognised standards as a means of ensuring that opportunities are taken to reduce incidents of anti-social and potential criminal behaviour.
- 4.13 Archaeological Advisor: No objections, but in accordance with UDP ARCH6 and Para 141 of the NPPF, would advise inclusion of the standard 'programme of work' archaeological condition to provide mitigation.

## 5. Representations

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

This planning application should therefore be determined with regard to the current housing land supply position and also whether the proposals would give rise to any adverse impacts, particularly having regard to the character and appearance of the area and increasing flood risk elsewhere.

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

### *Flooding*

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

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

As the applicant's Flood Risk and Drainage report indicates the application site drains naturally to the east and south-east towards the Lugg Valley and then the village of Hampton Bishop. Run-off from the site will only increase with creation of such a large build

development. This will exacerbate the already severe flooding problem in Hampton Bishop. The applicant's Flood Risk and Drainage report makes no assessment of the increased flood risk this will create elsewhere i.e. Hampton Bishop. This is clearly contrary to national planning policy contained in para.103 of the NPPF and policies S2, particularly para.2 and DR4 of the Unitary Development Plan.

#### *Character and Appearance of the Area*

The development will have a significant impact on the character and appearance of the area. The steep between the edge of the city and the River Lugg is a key element in the setting of Hereford when approaching from the east. This means the landscape to the east of the city has retained a relatively rural and tranquil character. The view from the east (Lugwardine area) across the Lugg Valley towards Hereford has a unique, rural and very special character. Although the application includes some screening measures they would not be sufficient to prevent a significant change in the setting of the city and a significant interruption in to the rural and tranquil quality of this area. The site is identified as being High Sensitivity in the Council's Urban Fringe Sensitivity Analysis (2010). The site is prominent within the above views and is seen as a modern intrusion into open countryside.

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

#### *Conclusion*

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

#### 5.2 Hereford City Council:

Some of the affordable units should be bungalows. This is in recognition of the large unmet need for affordable homes for older people. There is some anxiety regarding the proposed single point of access onto the very busy Hampton Dene Road.

#### 5.3 Four letters of objection have been received from local residents. The content can be summarised as follows:

- The single point of access onto a very busy road is a cause for concern;
- At certain points of the day, typically at school drop off and pick up, Hampton Dene Road is brought to a near standstill with cars double parked and access to private dwellings almost impossible. Adding a significant volume of traffic in the face of a pre-existing issue is unacceptable;
- The public consultation event was based on a scheme for 95 houses, but it is clear that all supporting documents are predicated on up to 120 houses. Why not be clear from the outset?
- The proposal will have a clear and legible adverse impact on the rural vista on approach to Hereford City over the Lugg Flats SSSI. Any incursion on this ridge will be highly visible and inappropriate;
- Why is consideration not given to brownfield sites first? Poor industrial sites should be phased out and redeveloped in preference to the release of greenfield sites;
- The submitted ecology survey is erroneous and if undertaken during the spring/summer would have identified more breeding and nesting birds, including a pair of Hobby, which are known to nest locally;
- The proposal will bring further pressure to bear on already stretched services, including local schools and doctors surgeries;

- 5.4 One letter of support has been received. This supports the provision of affordable housing and asks that consideration be given to enhancement of traffic calming measures locally.
- 5.5 A further letter voicing concern in relation to the impact on traffic flows on Ledbury Road has been received. The letter states that consideration should be given to the removal of the traffic signals at the Folly Lane/Ledbury Road junction in order to improve traffic flow, air quality and waiting times.
- 5.6 Woolhope Naturalists' Field Club

Hollywell Gutter Lane, which forms the south-western boundary of the development site, has a special significance. This un-adopted footpath, which extends from the Hampton Park Road to the Hampton Dene Road, marks the eastern boundary of the 'Liberty of Hereford' and forms a discrete area -or franchise - which has at its heart the ancient city of Hereford. It was, according to most authorities, established in the 8<sup>th</sup> century, probably by the Mercian king, Offa. The ditch or gutter defines the royal endowment given to the newly established Bishop of Hereford but although the Bishop gained material benefits from the land within the liberty, it remained under the jurisdiction of the king, represented by the royal bailiffs who governed Hereford until Elizabeth I's charter of 1596. The Liberty of Hereford is thus, older than the shire or county by at least three hundred years and remained an independent jurisdiction until Hereford City Council was abolished in the 1990s. In effect this lane is as old and as precious as Offa's Dyke.

The full text of the response outlines significant local history associated with Holywell Gutter Lane and the Society asks that this be acknowledged and treated with respect. Already the southern part of the lane has disappeared under Copsewood Drive, presumably because its importance was not recognised. We would suggest that this last surviving stretch of the lane should be carefully preserved without any disturbance - it is, after all, a topographical feature of archaeological importance. The hedgerows on either side need to be maintained and managed, and a ten metre margin created on the estate side as a cordon sanitaire, grassed over and used as an additional walk. The occasional trees could be planted here, well back from the lane. This will avoid dumping, which would occur if the gardens of the properties breasted the lane - as has happened behind Park Street - disguising the original form of Rowe Ditch.

- 5.7 In response to the Conservation Manager's comments the applicants have provided additional comment, which is set out below:

*Landscape Designations*

The application site has no designations. The Wye Valley Area of Outstanding Natural Beauty (AONB) lies approximately 3.8km to the south-east of the site. The Council agree that "no significant adverse visual effects from here, or adverse effects on the AONB itself are anticipated."

*Landscape Character*

*The setting of Hereford and the wider landscape*

The Urban Fringe Sensitivity Study (2010) does not consider the capacity of a particular landscape to accommodate a particular type of development, only the sensitivity of the urban fringe landscape at a broad scale and states that:

"All landscapes surrounding the Herefordshire towns are constrained by sensitive landscapes. Any development will need to respond to the sensitivity of the landscape and to present acceptable mitigation to resultant change."

The site lies at the eastern edge of Hereford and its immediate context comprises a variety of land uses including arable fields, a school, playing fields and modern residential development

along Hampton Dene Road, Queenswood Drive, Haycroft and Copsewood Drive. The assertion that Holywell Gutter Lane constitutes a logical boundary to future development is errant. It represents a an ancient landscape boundary that has, in the relatively recent past, been breached by residential development at Copsewood Drive as well as development to the south-east of Hereford at Rotherwas and the south-west at Belmont. As demonstrated by the Landscape and Visual Appraisal (LVA), existing residential development at the settlement edge is visible to varying degrees in the wider landscape to the east and forms part of the landscape and visual baseline against which potential effects have been assessed. It is acknowledged that new built development would initially adversely affect views towards Hereford from the wider landscape. However, a high quality landscape scheme would significantly reduce these very localised adverse effects in the medium to long term. It is therefore proposed to establish a landscape buffer and to locate larger plots along the eastern boundary in order to create a low density filtered edge of the development adjacent to the countryside. Additional tree planting within the vicinity of Hereford is in keeping with local landscape character and is discussed further below.

#### *Proposed Landscape Buffer and Mitigation of Effects*

In relation to patterns of woodland and tree cover within the Principal Settled Farmlands, the Herefordshire Landscape Character Assessment (2004) notes that "groups of trees and orchards are often associated with settlements" and that "additional tree planting in the vicinity of settlement would also be appropriate and would assist in emphasising the domestic quality of the landscape".

Tree cover directly to the east and north-east of Hereford is consistent with the character area description and includes tree groups around Hampton Dene House, vegetation to the north of the Cock of Tupsley and Baynton Wood. Far from being incongruent with local landscape character, the proposed addition to the settlement here, together with the landscape buffer represents an opportunity to integrate with and reinforce existing patterns of tree cover. The Council agree that "the proposed buffer planting to the east of the site could partially screen views in the longer term".

As described below, the development would also be set within a strong landscape framework, which would further help to integrate built development with its landscape setting to the east.

#### *The Site and its Immediate Context*

It is unavoidable that, as with any housing development on a greenfield site, the character of the site itself would inevitably change. However, particular care has been taken to identify, retain and enhance existing key landscape features as an integral part of the scheme:

- The existing mature oak tree would be retained as a focal point within an area of public open space at the centre of the site;
- Built development would be set back from the existing hedgerows and scrub along site boundaries, which would be supplemented with additional planting along the eastern boundary;
- Built development would be set back from existing tree cover along Holywell Gutter Lane;
- Creation of new pedestrian connection through the central public open space to Holywell Gutter Lane;
- Surface water attenuation ponds would be designed to provide habitat for local wildlife and visual amenity for residents.

In addition, advice from Conservation experts has informed the layout of the scheme in relation to the setting of Hampton Dene House and Meadow Cottage. Built development has been set back 25 - 30m from Hampton Dene House beyond an area of open space, which will include new tree planting to mitigate for the loss of existing trees at the site access. A

landscape buffer has also been provided directly to the east of Meadow Cottage to allow for additional tree and shrub planting.

The development will be of high quality and is well-designed. It respects the landscape setting is not in itself intrinsically harmful and it is therefore considered that the landscape has the capacity to accommodate change of the nature proposed.

#### *Visual Amenity*

The Council agree that the site is generally well screened to most views from the north, south and west and that the development will not result in any significant adverse visual effects on the Wye Valley AONB, which lies approximately 3.8km to the south-east. Potential visual receptors in the vicinity of the site are confined to a small number of residential properties and users of Holywell Gutter Lane. Views of new built development from the public right of way would only be a possible along a relatively short stretch of footpath directly adjacent to the site. Existing development is a prominent feature along much of the right of way and it passes directly through modern residential development along Copsewood Drive. In order to mitigate the minimal adverse visual effects of the development upon users of Holywell Gutter Lane and adjacent residential properties, particular regard has been given to the retention of the existing key landscape features along this boundary. Taken together with the design approach of locating the central public open space adjacent to the right of way, the sense of openness will be preserved as far as possible. As shown by the LVA, there are relatively few visual receptors in the landscape to the east and those that are present generally lie a significant distance from the site boundary and the development would be perceived as a relatively small part of panoramic views towards the eastern edge of Hereford. As described above, planting along the eastern boundary of the site would not be out of character and would partially screen and effectively filter views of the new housing from the east as it matures. Intervening vegetation, particularly the extensive tree cover along the watercourse and valley floor also effectively screens views from potential receptors locally. It is important to recognise that new development would be seen in the context of existing residential development, which is visible through gaps in the intervening vegetation.

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

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

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

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

## **6. Officer's Appraisal**

- 6.1 The application is made in outline with all matters reserved except for access and involves the erection of up to 120 dwellings on land south of Hampton Dene Road. The site is outside but adjacent the settlement boundary for Hereford City as defined by the Unitary Development Plan, but falls within the parish of Hampton Bishop. The key issues are considered to be:-
- An assessment of the principle of development at this location in the context of 'saved' UDP policies, the NPPF and other material guidance; &
  - An assessment of the sustainability of the scheme having regard to the scheme's impact on the existing settlement in terms of landscape character and amenity and surface water drainage;

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

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

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

6.2 In this instance the Development Plan for the area is the Herefordshire Unitary Development Plan 2007(UDP). UDP policy S3 sets out provision for the erection of 800 dwellings per year between 2001 and 2007 and 600 per year thereafter. The distribution for housing is split between Hereford and the market towns, main villages and the wider rural area. The plan is time-expired, but relevant policies have been 'saved' pending the adoption of the Herefordshire Local Plan/Core Strategy. UDP policies can only be attributed weight according to their consistency with the NPPF; the greater the degree of consistency, the greater the weight that can be attached.

6.3 This site falls outside the settlement boundary for Hereford City, which extends up to the site's northern and western boundaries. Development is thus contrary to 'saved' UDP policy H1 and none of the exceptions under Policy H7 are met. It is clear, therefore, that the proposal is contrary to the housing delivery policies of the UDP.

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

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

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

6.6 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, since when there has been no further published figure. However, the position has recently been clarified by the Inspector's decision following the Public Inquiry for Home Farm, Belmont – APP/W1850/A/13/2192461. The Inspector concluded that housing sites identified in the emerging Core Strategy could not be taken into account as there can be no guarantee that they will deliver housing within the first 5 years of the plan.

6.7 The Inspector also judged that on the basis of the Council's housing requirement it does not have a five year supply, is significantly short of being able to do so, and persistent under-delivery over the last 5 years would render the authority liable to inclusion in the 20% bracket.



6.8 In this context, therefore, the proposed erection of 120 dwellings, including 35% affordable, on a deliverable and available site is a significant material consideration telling in favour of the development to which substantial weight should be attached.

*Hereford Local Plan – Draft Core Strategy 2013-2031*

6.9 The Draft Local Plan is not sufficiently advanced for its policies to be attributed weight for the purposes of decision making and this has been borne out by the Home Farm decision. It is the case, however, that Hereford remains the principal focus for housing and related growth over the plan period.

6.10 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 achieved, greenfield sites on the edge of the existing settlement will have to be released.

An Assessment of the Sustainability of the Proposals

6.11 In order to engage the presumption in favour of the approval of sustainable development, a proposal must first demonstrate that it is representative of sustainable development. Although not expressly defined, the NPPF refers to the three dimensions of sustainable development as being the economic, environmental and social dimensions. The NPPF thus establishes the need for the planning system to perform a number of roles including, *inter alia*, providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment.

6.12 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. Although not allocated for housing development; it being the intention in Herefordshire that specific area and neighbourhood plans fulfil this function, the site has been assessed via the Strategic Housing Land Availability Assessment as having major constraints; although the current application is testimony to the site's availability and deliverability. In the context of persistent under-delivery, including some large-scale UDP allocated housing sites on which development is still yet to commence; officers consider the immediate deliverability of this site to be a material consideration.

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

- *“Approving development proposals that accord with the development plan without delay;&*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.”

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

- 6.14 The Council's landscape consultant has objected to the development on the basis that it represents a major incursion into the sensitive part of the urban fringe. She objects on the basis that large-scale residential development is uncharacteristic of the principal settled farmlands character type and likely to be highly visible from a range of middle-distance vantage points to the north-east, east and south-east. The significance of Holywell Gutter Lane as a surviving medieval marker of the city boundary is also noted and echoed by the Woolhope Society. It is concluded that the proposal would be contrary to 'saved' UDP policies DR1 (3), LA2, which directs refusal of development that would adversely affect either the overall character of the landscape...or its key features, and LA3. The loss of the remaining parkland setting to Hampton Dene House is also noted as contrary to LA4.
- 6.15 Paragraph 109 of the NPPF says that the planning system should contribute to and enhance the local and natural environment by "protecting and enhancing valued landscapes". Paragraph 113 recognises, however, that it is necessary to make distinctions between the hierarchies of landscape areas in terms of whether the designation is of international, national or local significance. This is in order that protection is "commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks." As such, although the harm with adopted UDP policies is acknowledged, the site itself is not subject to any of the specific policies of the NPPF that indicate that development should be restricted as per footnote 9 to paragraph 14. To this extent, therefore, although conflict with the environmental role of sustainable development is identified, it is necessary to weigh this harm against the benefits of the proposal in conducting the 'planning balance'. Refusal should only ensue if the decision taker considers that the adverse impacts associated with approval "significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when considered as a whole" – the paragraph 14 'test'.
- 6.16 In addressing the planning balance, decision-takers need to consider both benefits and adverse impacts. In this instance the adverse impacts are quantified above at 6.15 and 4.4. In terms of the benefits beyond the affordable housing and increased breadth of housing choice locally, the site is considered to represent a sustainable location for housing growth in terms of access to goods, amenities and employment. The Traffic Manager acknowledges the potential for non-car borne access to local shops, schools and employment opportunities and it is this potential that off-sets concerns in relation to the potential for increased pressure on the signalised junction at Ledbury Road / Folly Lane junction. The Development Framework master-plan also identifies the potential for linkages to the local public footpaths, including Holywell Gutter Lane, whereas contributions towards sustainable transport measures could be directed at improved pedestrian crossing facilities from the site to local schools and beyond, upgrades to the local public footpath network and the potential for an extension of the speed limit along Ledbury Road. In this respect, therefore, officers consider that the proposal would be consistent with the economic and social dimensions.
- 6.17 Officers are also conscious of the applicant's rebuttal of the Conservation Manager's objection at 5.7 above and consider that harm to the setting of the listed building Meadow Cottage is slight and not, in the light of the scheme's benefits, sufficient to warrant refusal of the application.
- 6.18 The Parish Council has expressed concern at the potential for the proposal to increase flood risk within the village of Hampton Bishop. The site occupies land that is elevated relative to the village and it is acknowledged that under existing conditions surface water drains from the site towards lower-lying ground to the east. At paragraph 103 the NPPF sets out the expectations that development should not increase flood risk elsewhere. Applications should be informed by a site specific Flood Risk Assessment, as is the case here, and opportunities offered by new development to reduce the causes and impacts of flooding should be taken (para.100).

- 6.19 The surface water drainage strategy envisaged by the applicant involves the use of surface water attenuation basins, which would retain surface water before it being pumped at an agreed rate into the mains drain in Hampton Dene Road. The use of soakaways has already been discounted on account of the ground conditions and high water table. Although Welsh Water would be against the discharge of surface water to the mains via an attenuation basin, there is no objection to the proposal subject to the imposition of conditions securing the appropriate management of surface water. Likewise neither the Council's drainage engineer nor the Environment Agency has any objection to the proposal subject to conditions. The proposed condition would require the formulation of a fully integrated and comprehensive drainage solution prior to the commencement of development. The Council's engineer is confident that the drainage design can be robust enough to capture and attenuate runoff from all new hard paved surfaces up to and including the 1 on 100 year + climate event – therefore mitigating any increased flood risk elsewhere.
- 6.20 On this issue, officers are clearly mindful of the concerns expressed, but on the evidence available, specialist technical advice does not support the view that the development will increase the risk of flooding elsewhere and particularly in Hampton Bishop. Officers are content that while Welsh Water is not prepared to sanction the strategy that has been devised, alternatives that offer betterment against green-field run-off rates exist and a condition requiring the formal submission and written approval of a surface water drainage scheme is appropriate in this context. Officers are thus satisfied that an NPPF compliant drainage scheme will be delivered in the event that planning permission is granted.
- 6.21 The application is made in outline and by definition all matters except access would be reserved for future consideration. Officers consider, however, that in terms of the economic and social dimensions of sustainable development, the development proposal is sustainable. The delivery of housing, including 35% affordable, in the context of a significant under-supply is a significant material consideration telling in favour of approval. Likewise the site is well-related to a range of goods, services and amenities and well served by public transport provision. Positive impacts in relation to job creation and within construction and related sectors and the new homes bonus are also material considerations.
- 6.22 It has been identified, however, that the development would be at odds within the prevailing landscape character and visible from a range of vantage points to the east and north-east. The development would breach the medieval marker that is Holywell Gutter Lane and redefine the relationship between city and countryside in the process.
- 6.23 Officers recognise this conflict and the aspiration that sustainable development should positively encompass the three dimensions as being mutually dependent. However, in the context of the housing supply deficit, officers do not consider that conflict with one of the dimensions should necessarily lead to refusal and in taking this view are mindful of the absence of an international or national landscape designation on site, whereas the historic park and garden associated with Hampton Dene House represents a local designation that has already been significantly despoiled. On balance, therefore, officers conclude that the presumption in favour of sustainable development can be engaged and that a decision should be taken in the light of paragraph 14 of the NPPF.

#### Other Matters

##### *Highway Safety*

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

impacts of development are severe. On this matter the scheme is considered to comply with saved UDP Policy DR3 and the NPPF.

#### *Ecology*

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

#### *Foul Drainage*

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

#### *S106 Contributions*

- 6.30 Contributions towards sustainable transport, education and off-site public open space infrastructure have been agreed as per the letter appended to this report. The off-site play contribution has been reduced against the Supplementary Planning Document on the basis that the developer is willing to make on-site provision for allotments and a children's play area. The recommendation reflects the necessity to complete the undertaking before planning permission is issued.

#### *Impact on the Amenity Associated with Living Conditions are Nearby Properties*

- 6.31 The indicative layout confirms that the site is capable of accommodating up to 120 dwellings without undue impact on the living conditions associated with dwellings nearby. The density is equivalent to 25.5dw/ha, which is comparatively low, but appropriate within this zone of transition between town and country. In terms of impact upon adjoining land uses the scheme is considered to comply with saved UDP policies DR2 and H13.

#### *Affordable Housing*

- 6.32 The scheme makes provision for 35% affordable housing, which accords with policy. The developer has also indicated a willingness to examine the potential for the delivery of a

modest proportion of bungalows across the development. This proposal has the support of the Housing Development Officer.

#### *Pre-Application Engagement*

- 6.33 The developer carried out pre-application consultation events, including an open exhibition and leaflet drops to approximately 560 dwellings. The application is accompanied by a summary Statement of Community Involvement, which confirms that there were comments of support and objection. The developer has discharged its duty as regards the publicity of the proposal and associated engagement.
- 6.34 In accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.35 In the weighing of material considerations regard must be had to the provisions of the NPPF; especially in the context of a shortage of deliverable housing sites. It is acknowledged that the development places reliance upon the presumption in favour of sustainable development as set out at paragraph 14 of the NPPF in the context of a housing land supply deficit, but equally that the emerging policies of the Core Strategy and Neighbourhood Plan are not sufficiently advanced to attract weight in the decision-making process.
- 6.36 The contribution that the development would make in terms of jobs and associated activity in the construction sector and supporting businesses should also be acknowledged. S106 contributions are also noted (although a signed undertaking has not been completed).
- 6.37 When considering the three indivisible dimensions of sustainable development as set out in the NPPF, officers consider that the scheme when considered as a whole is representative of sustainable development and that the presumption in favour of approval is engaged. It is also the case that the examples cited at footnote 9 to paragraph 14 are not applicable to this site i.e. the site is not subject to any national or local designations that indicate that development ought to be restricted. Any adverse impacts associated with granting planning permission are not considered to significantly and demonstrably outweigh the benefits and it is recommended that planning permission be granted subject to the completion of a legal undertaking and planning conditions.

## **RECOMMENDATION**

**That subject to the completion of a legal agreement pursuant to S106 of the Town and Country Planning Act 1990, officers named in the scheme of delegation be authorised to issue planning permission subject to the following conditions and any others considered necessary by officers:**

- 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. H06 Vehicular access construction**
- 5. H09 Driveway gradient**
- 6. H11 Parking - estate development (more than one house)**
- 7. H18 On site roads - submission of details**

8. **H19 On site roads - phasing**
9. **H20 Road completion in 2 years**
10. **H21 Wheel washing**
11. **H27 Parking for site operatives**
12. **H29 Secure covered cycle parking provision**
13. **E01 Site investigation - archaeology**
14. **L01 Foul/surface water drainage**
15. **L02 No surface water to connect to public system**
16. **L03 No drainage run-off to public system**
17. **L04 Comprehensive & Integrated draining of site**
18. **G04 Protection of trees/hedgerows that are to be retained**
19. **G10 Landscaping scheme**
20. **G11 Landscaping scheme - implementation**
21. **Prior to commencement of the development, a full working method statement should be submitted to and be approved in writing by the local planning authority, and the work shall be implemented as approved.**
22. **The recommendations set out in the ecologist's report dated September 2013 should be followed in relation to the identified protected species.**
23. **The recommendations in relation to biodiversity enhancement set out in Section 4 of the ecologist's report dated September 2013 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved.**

#### **INFORMATIVES:**

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

- 5. **HN13 Protection of visibility splays on private land**
- 6. **HN05 Works within the highway**
- 7. **An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

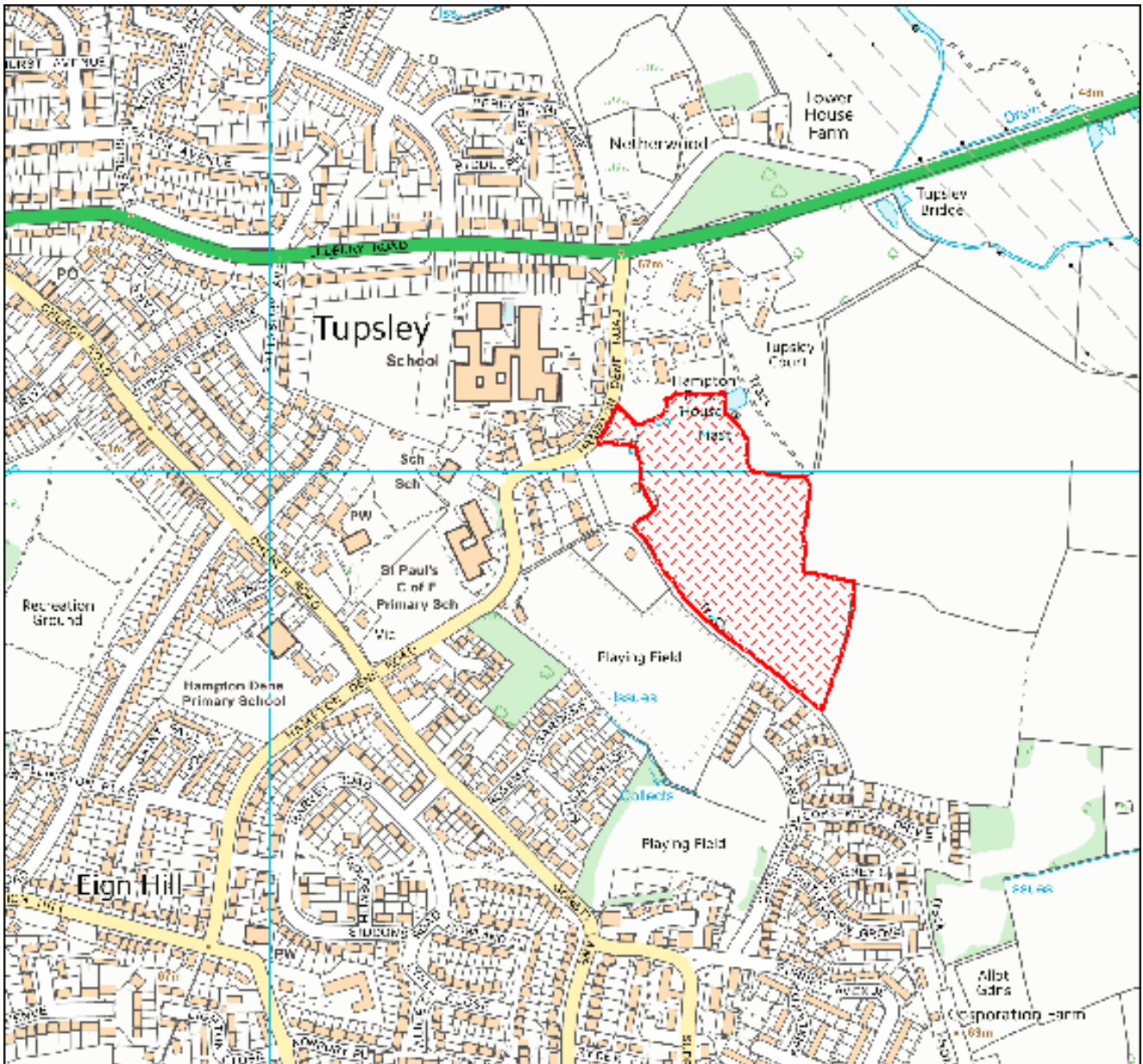
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



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

**APPLICATION NO:** 132851/O

**SITE ADDRESS :** LAND SOUTH OF HAMPTON DENE ROAD, HEREFORD, HEREFORDSHIRE

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

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