

AGENDA

Planning Committee

Date: **Wednesday 31 August 2011**

Time: **10.00 am**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Ricky Clarke, Democratic Services Officer

Tel: 01432 261885

Email: rclarke@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail rclarke@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Planning Committee

Membership

Chairman	Councillor PGH Cutter
Vice-Chairman	Councillor BA Durkin
	Councillor PA Andrews
	Councillor AN Bridges
	Councillor PJ Edwards
	Councillor DW Greenow
	Councillor KS Guthrie
	Councillor J Hardwick
	Councillor JW Hope MBE
	Councillor RC Hunt
	Councillor Brig P Jones CBE
	Councillor JLV Kenyon
	Councillor JG Lester
	Councillor MD Lloyd-Hayes
	Councillor G Lucas
	Councillor RI Matthews
	Councillor FM Norman
	Councillor GR Swinford
	Councillor PJ Watts

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 10 August 2011.	1 - 4
5.	CHAIRMAN'S ANNOUNCEMENTS To receive any announcements from the Chairman.	
6.	APPEALS To be noted.	5 - 10
7.	DMS/102921/O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN Development of grass and all weather sports pitches, clubhouse, indoor training building, car parking and landscaping supported by enabling residential development of 190 units	11 - 60
8.	DMS/111601/F - OUTFALL WORKS ROAD THROUGH ROTHERWAS TO B4399, HEREFORD Construction of a shared footway/cycleway from Outfall Works Road in Tupsley through Rotherwas Industrial Estate to the B4399 Holme Lacy Road at Sink Green including a new bridge over the River Wye.	61 - 86
9.	DMS/111132/F - FIELD, THE LEYS, LYNNE DOWN, MUCH MARCLE, HEREFORDSHIRE, HR8 2NS Change of use of land from agricultural to a one family traveller site including siting of one mobile home, touring caravan, shed and new access.	87 - 98
10.	DMN/111429/F & DMN/111430/C - HEDGEBANK, OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE, WR13 6EZ To demolish existing dormer bungalow and replace with highly energy efficient and sustainable 4 bedroom house.	99 - 106
11.	DMS/111414/FH & DMS/111415/L - EDDE CROSS HOUSE, EDDE CROSS STREET, ROSS ON WYE, HEREFORDSHIRE, HR9 7BZ Proposed replacement garden room, balcony over new garden room, existing steel window replaced with double doors opening onto the balcony.	107 - 110
12.	DATE OF NEXT MEETING Date of next site inspection - 13 September 2011 Date of next meeting - 14 September 2011	

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every 20 minutes from the City bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point **A** which is located in the circular car park at the front of the building. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 10 August 2011 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, Brig P Jones CBE, JG Lester, MD Lloyd-Hayes, G Lucas, RI Matthews, FM Norman, GR Swinford, PJ Watts and JD Woodward

36. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews and RC Hunt.

37. NAMED SUBSTITUTES (IF ANY)

There were no substitute members present at the meeting.

38. DECLARATIONS OF INTEREST

7. DMS/111132/F - Field, The Leys, Lynne Down, Much Marcle, Herefordshire, HR8 2NS. Councillor DW Greenow, Personal, The Councillor knows one of the objectors.

7. DMS/111132/F - Field, The Leys, Lynne Down, Much Marcle, Herefordshire, HR8 2NS. Councillor J Hardwick, Personal, The Councillor knows two of the objectors.

39. MINUTES

Councillor AN Bridges requested that the minutes be amended to include a reference to the restriction of working on Bank Holidays as well as Sundays in respect of application DMS/110995/F.

RESOLVED: That subject to the aforementioned amendment the Minutes of the meeting held on 20 July 2011 be approved as a correct record and signed by the Chairman.

40. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that Councillor Kenyon had replaced Councillor Woodward as a member of the Committee due to her ongoing commitments through her mayoral duties. He thanked Councillor Woodward for her input and contribution to the Planning Committee over the previous years.

41. APPEALS

The Planning Committee noted the report.

42. DMS/111132/F - FIELD, THE LEYS, LYNNE DOWN, MUCH MARCLE, HEREFORDSHIRE, HR8 2NS

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mr Morgan and Mr Edwards, representing Much Marcle and Yatton Parish Councils, and Mr Roskill, representing some of the local residents, spoke in objection to the application and Mrs Lee, the applicant's wife, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor BA Durkin, the local ward member, commented on a number of issues, including:

- The committee needed to pay specific attention to policies H7 and H12 of the Unitary Development Plan; Circular 1/2006 in relation to gypsies and travellers; and the comments from the inspector in the previous appeal.
- There was still a shortage of traveller pitches throughout the County.
- Concerns in respect of the current application related to highway safety and sustainability.
- Concerns were also expressed in respect of the impact on the grade 2 listed building which was in close proximity to the site.
- Screening could prove problematic due to the elevated position of the site.
- The junction from Kempley Lane onto the A449 was highlighted as an area of concern due to vehicles travelling at excess speeds along the 'Marcle Mile'.
- The site was located 2.4km away from Much Marcle along a dangerous highway.
- The report referred to six key day to day services located within Much Marcle, a question was asked as to what these were.
- The application should be refused on grounds of visual amenity, highway safety and sustainability reasons.

Members felt that it would be beneficial for the Committee to visit the site prior to determining the application. The Democratic Services Officer advised Members that the site inspection would take place on 30 August.

It was also noted that an additional site inspection would take place on the same date in respect of the proposed relocation of Hereford Rugby Club.

RESOLVED

THAT the determination of the application be deferred pending a site inspection on the following grounds:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact, and;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.**

43. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 10.42 am

CHAIRMAN

PLANNING COMMITTEE

Date 10 August 2011

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DMS/111132/F - Change of use of land from agricultural to a one family traveller site including siting of one mobile home, touring caravan, shed and new access at Field, The Leys, Lynne Down, Much Marcle, Herefordshire, HR8 2NS

For: Mr John Lee, 2 Barnett Close, Ledbury, Herefordshire, HR8 2LT

ADDITIONAL REPRESENTATIONS

Two letters of support has been received. One states that the applicants have lived and worked in the area and should be considered as local, that they want a place to bring up their family and the site will be kept clean and tidy. The other states that they have been and would be good neighbours.

OFFICER COMMENTS

None

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING COMMITTEE
DATE:	31 AUGUST 2011
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the progress in respect of the following appeals.

Key Decision

This is not a key decision

Recommendation

That the report be noted

APPEALS RECEIVED

Application No. DMS/102465/F

- The appeal was received on 26 July 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Christopher Hales
- The site is located at Valley View, Ewyas Harold, Herefordshire, Herefordshire, HR2 0JD
- The development proposed is a change of use from log cabin to holiday home.
- The appeal is to be heard by Written Representations

Case Officer: Mr A Prior on 01432 261932

Application No. DMN/110421/O

- The appeal was received on 27 July 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr And Mrs Thomas Davies
- The site is located at Forton Meadows, Winforton, Herefordshire, Herefordshire, HR3 6EJ
- The development proposed is the provision of an agricultural workers dwelling.
- The appeal is to be heard by Hearing

Case Officer: Mr P Mullineux on 01432 261808

Application No. DMS/110829/F

- The appeal was received on 1 August 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Mark Rawlings
- The site is located at Unit 6 Mortimer Trading Centre, Mortimer Road, Hereford, Hereford, HR4 9SP
- The development proposed is the change of use of first floor former children's dance studio from D2 to D1(b) Day Nursery
- The appeal is to be heard by Written Representations

Case Officer: Mr E Thomas on 01432 260479

Application No. EN2011/001347/ZZ

- The appeal was received on 2 August 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Ms Deborah Gillingham & Mr Richard Greatrex
- The site is located at Mulberry Cottage, Woods Eaves, Eardisley, Herefordshire, Herefordshire, HR3 6LZ
- The breach of planning control alleged in this notice is the installation of two solar panels on the roof of a side lean-to which forms part of the building affecting its character of special architectural or historic interest.
- The requirements of the notice are the removal of the solar panels from the lean-to roof and the making good of any fixing or pipe-holes
- The appeal is to be heard by Written Representations

Case Officer: Mr P Mullineux on 01432 261808

Application No. DMS/111199/FH

- The appeal was received on 8 August 2011
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr David Wadge
- The site is located at The Oxlet, Bishopswood, Ross on Wye, Herefordshire, Ross on Wye, Herefordshire, HR9 5QX
- The development proposed is a 2 Storey extension to rear of property.
- The appeal is to be heard by Householder Procedure

Case Officer: Mr D Thomas on 01432 261974

APPEALS DETERMINED

Application No. DMS/102274/F

- The appeal was received on 4 February 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr D Singh
- The site is located at 25 Springfield Road, Ross On Wye, Herefordshire, Herefordshire, HR9 7EX
- The application dated 2 September 2010 was refused on 22 November 2010
- The development proposed was the extension and alterations to existing shop and proposed first floor flat.
- The main issues are: the effect that the proposed development would have upon highway safety and living conditions at No.24 Springfield Road, with particular regard to any loss of light.

Decision: The application was refused under delegated powers on 22 November 2010.
The appeal was **allowed** on 1 August 2011.

Case Officer: Mr D Thomas on 01432 261974

Application No. DMS/102875/F

- The appeal was received on 17 May 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. Neil Bevan
- The site is located at Trothlands Farm, St Weonards, Herefordshire, HR2 8NZ
- The application dated 2 November 2010 was refused on 9 February 2011
- The development proposed was Installation of 11kw wind turbine on an 18m monopole tower.
- The main issue is the impact of the proposed turbine on the landscape, having regard to the benefits of renewable energy

Decision: The application was refused under delegated powers on 9 February 2011.
The appeal was **dismissed** on 5 August 2011.

Case Officer: Mr A Prior on 01432 261932

Application No. DMS/110193/F

- The appeal was received on 4 May 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by The Owner and/or Occupier
- The site is located at Canon House, Common Hill Lane, Fownhope, Herefordshire, HR1 4PH
- The application dated 25 January 2011 was refused on 12 April 2011
- The development proposed was Erection of one dwelling and two detached garages. Construction of new vehicular access and associated works
- The main issue is the effect of that the proposed development would have upon the character and appearance of the surrounding area.

Decision: The application was refused under delegated powers on 12 April 2011.
The appeal was **dismissed** on 5 August 2011.

Case Officer: Mr E Thomas on 01432 260479

Application No. DMNW/100435/F

- The appeal was received on 28 February 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Ms Alison Cleverly
- The site is located at Lower Field At Ash Farm, Barnet Lane, Wigmore, Herefordshire, Herefordshire, HR6 9UJ
- The application dated 27 February 2010 , was refused on 13 October 2010
- The development proposed was Retrospective re-application for change of use of land from agriculture to a one family traveller site, including the stationing of one caravan, a shed, and an ancillary structure.
- The main issues are (i) the effect of the proposal on the character and appearance of the area, (ii) whether any harm arising from the proposal would be out weighed by other considerations

Decision: The application was **refused** by Committee, contrary to Officer recommendation, on 13 October 2010.
The appeal was **allowed** on 10 August 2011.
An application for the award of costs was made by the Appellant against the Council and was **refused**

Case Officer: Mr C Brace on 01432 261795

Application No. EN/2010/01261/ZZ

- The appeal was received on 9 February 2011
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr Richard Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, Herefordshire, HR6 9UJ
- The breach of planning control alleged in this notice is Without planning permission the material change of use of agricultural land to a mixed used for agriculture, the storage of vehicles, the stationing of a vehicle adapted for residential habitation and storage containers, together with associated operational development including the formation of an access, driveway, erection of outbuildings and a wind turbine
- The requirements of the notice are: 1) Permanently cease the residential use of the land 2) Permanently cease using the land for storing vehicles 3) Permanently remove from the land the vehicle adapted for residential habitation, together with all storage containers/units and caravans 4) Permanently remove all vehicles/tractors from land 5) Take down all outbuildings and remove all resultant materials from the land 6) Take up the driveway and pathways and remove all resultant materials from the land 7) Remove the wind turbine from the land 8) Remove all domestic items from the land 9) Erect a post and wire fence to height no greater than one metre between the existing hedges to seal the access. The fence should be erected along the outside line of the original hedgerow 10) Re-instate the hedge where the site entrance is situated by planting a hedgerow of hawthorn and other native species along the line of the original hedgerow behind the post and wire fence. The hedging plants are required to be 60-80cm high, healthy and vigorous transplants. The plants are required to be in a double staggered row, 45cm apart (7 plants per linear metre). All transplants are required to be protected with a 40cm high plastic spiral rabbit guard supported by a 75cm stake or cane 11) If the land is to be grazed erect stock proof fencing no higher than one metre in height inside the field to protect the newly planted hedgerow plants. Stock proof fencing should be erected to protect hedging from grazing as required.
- The main issue is the effect of the development on the character and appearance of the area.

Decision: The appeal was **allowed** on 10 August 2011.
The enforcement notice is quashed and that planning permission is Granted subject to conditions

Case Officer: Mr C Brace on 01432 261795

Application No. DMNW/100558/F

- The appeal was received on 11 February 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr Richard Wells
- The site is located at Ashfield, Barnet Lane, Wigmore, Herefordshire, Herefordshire, HR6 9UJ
- The application dated 4 March 2010 was refused on 13 October 2010
- The development proposed was Change of use from agricultural land to one family traveller site to include the stationing of one living vehicle, storage boxes and shed
- The main issue is the effect of the development on the character and appearance of the area.

Decision: The application was refused by Committee, contrary to Officer Recommendation, on 13 October 2010.
The appeal was **Allowed** on 10 August 2011.

Case Officer: Mr C Brace on 01432 261795

Application No. DMN/110876/FH

- The appeal was received on 12 July 2011
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission

Further information on the subject of this report is available from the relevant case officer

- The appeal was brought by Mr J Kendrick
- The site is located at Trout Beck, Mill Lane, Leintwardine, Herefordshire, Herefordshire, SY7 0LA
- The application dated 4 April 2011 was refused on 31 May 2011
- The development proposed was Proposed demolition of existing single storey lean to and replace with erection of two storey extension over this area.
- The main issue is the proposed extension on the appearance of the appeal property

Decision: The application was refused under Delegated powers on 31 May 2011.
The appeal was **allowed** on 10 August 2011.

Case Officer: Mr A Banks on 01432 383085

If members wish to see the full text of decision letters copies can be provided.



MEETING:	PLANNING COMMITTEE
DATE:	31 AUGUST 2011
TITLE OF REPORT:	<p>DMS/102921/O- DEVELOPMENT OF GRASS AND ALL WEATHER SPORTS PITCHES, CLUBHOUSE, INDOOR TRAINING BUILDING, CAR PARKING AND LANDSCAPING SUPPORTED BY ENABLING RESIDENTIAL DEVELOPMENT OF 190 UNITS AT LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN</p> <p>For: Hereford Rugby Football Club per Mrs Sally Tagg, Festival House, Jessop Avenue, Cheltenham, Gloucestershire, GL50 3SH</p>

Date Received: 9 November 2010

Ward: Backbury

Grid Ref: 354239,239067

Expiry Date: 11 March 2011

Local Members: Councillor J Hardwick

1. Site Description and Proposal

Site Description

- 1.1 The amended site area extends to 20.11 hectares (49.69 acres) located north of Hampton Park Road (B4224) and east of Hollywell Gutter Lane, approximately 0.75 KM west of Hampton Bishop Village. The site is largely set out to commercial apple orchards and is accessed via two existing vehicles accesses directly onto the B4224. These serve gravelled tracks running throughout the site. Levels undulate significantly across the site from the highest point in the northwest corner of the site at 67.0 AOD dropping down to the lowest point adjacent the road in the south east corner at 47.5 AOD. Running east/west through the lower third of the site is a semi mature broadleaved band of trees amongst which are a series of three ponds. The boundaries are enclosed by mixture of post and wire fencing and native hedge row with the exception of Leylandii trees along the western boundary with Holywell Gutter Lane. The site is essentially undeveloped other than a small yard/compound area north of the principal access
- 1.2 The northern and eastern boundaries of the site are bordered by further commercial orchard with agricultural pasture land beyond. Along part of the site frontage either side of Hampton Park Road are a number of predominantly detached dwellings and bungalows. Adjacent the northwest corner of the site is the proposed Martha Trust Residential Care for which permission was approved in 2009, north of which are further residential properties and on the western side of Hollywell Gutter Lane is an area of public open space with more recent residential housing estates beyond.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

- 1.3 The site falls outside of the settlement boundary for the city as identified within the adopted Unitary Development Plan and therefore falls entirely within open countryside. A small part of the south west corner of the site falls within Hampton Park Conservation Area and 300 metres north of the site is the Ring Ditch Scheduled Ancient Monument. The property known as Whistlefield south east of the site is also grade II listed. 400 metres south of the site is the River Wye which is designated a Site of Special Scientific Interest and Special Area of Conservation, the floodplain (floodzone 3) for which extends into the southern third of the site. Hollywell Gutter Lane is a designated BOAT (Bridleway Open to All Traffic) and west of here is a Site of Importance for Nature Conservation. The site itself has no statutory landscape designation but is characterised within the Councils Landscape Character Supplementary Planning Document primarily as Principled Settled Farmlands. The Council's Urban Fringe Sensitivity Report prepared as part of the evidence base to support the Core Strategy designates the landscape as high-medium landscape sensitivity. Orchards are also priority habitats within both the Herefordshire and National Biodiversity Action Plan.

The Proposal

- 1.4 The scheme has been amended during the course of the application to address some of the technical issues raised. The amended plans and reports have been subject to a full re-consultation exercise due to both the number of changes and fact the development site area has changed. The following description of the development reflects the amended proposals.
- 1.5 The proposal is for a mixed-use development to create a new base for Hereford Rugby Football Club comprising 6 new grass senior pitches (2 of which are floodlit) and 2 grass junior pitches, a full size floodlit all weather pitch, clubhouse and indoor training facility with enabling residential development of 190 units and an area for allotments.
- 1.6 The application is accompanied by a framework masterplan which effectively splits the site into two distinct zones, residential to the west and the rugby club facilities to the east. Both will be served by a new vehicular access directly onto Hampton Park Road around 40 metres east of the existing vehicle access which will be closed off. This will also incorporate a new bus lay-by. A second existing access further east will be retained primarily as an agricultural access to serve the retained orchards and maintenance access for the rugby club. A new shared access road is proposed northwards into the site for around 120 metres. Both developments will be linked by a network of new pedestrian and cycle paths all connecting with Holywell Gutter Lane.

The Rugby Club Proposals

- 1.7 From the shared access road, the road branches eastwards leading to the proposed car park for the club with the capacity for around 250 spaces and 6 bus spaces. Adjoining (east) of the parking area, an indoor training building measuring around 60 metres in length by 40 metres in width by 9 metres in height is proposed. The amended plans illustrate a building with an agricultural form and external appearance with a tarmac surface which could also be used for other sports such as tennis, netball, basketball and badminton.
- 1.8 Attached to this is a further building measuring 40 metres by 40 metres by around 6 metres in height adopting the same agricultural design theme. This is proposed to be the clubhouse and accommodate changing and shower facilities, kitchen and bar facilities and a function room, office and meeting rooms. In addition, the building would also incorporate a covered 400 seat spectator stand which would overlook the first team pitch to the north.
- 1.9 East of here are proposed to be the second team pitch and third all weather pitch (3G pitch). All three of these pitches are floodlit positioned on ten 18 metre high columns. South of these pitches are a further two senior and two junior grass pitches. Other ancillary infrastructure is also proposed including four small buildings associated with each of the senior grass pitches

for the storage of equipment and a water storage tank for the irrigation of pitches. Due to the difference in the existing levels on the higher ground, extensive engineering works would be required to accommodate some of these pitches and the buildings. Whilst the facilities are primarily for the use of the rugby club, there will be capacity throughout the year when the facilities could be rented out. Local netball, football and rounders clubs in particular have expressed an interest in the use of the facilities.

The Residential Development

- 1.10 From the main access road, the road also splits westwards leading to the proposed residential development of 190 units. The housing comprises of a mixture of 2, 3 and 4 bedroom dwellings, 35% of which will be affordable. The affordable is split between 17% intermediate tenure (shared ownership) and 18% social rented. The masterplan illustrates the development being sub-divided into ten development cells served by a central spine road extending from Hampton Park Rd in the south to the northern site boundary parallel with existing allotments on Holywell Gutter Lane. In addition, the amended plans now also introduce a strip of land to be safeguarded for a potential eastern Hereford relief road and a central area of public open space. The density ranges from between 30 – 45 dwellings per hectare and the amended plans stipulate that all dwellings will now be two storey in height. An infiltration basin is proposed along the southern boundary to facilitate the sustainable drainage of the housing development.
- 1.11 The application is in outline form with the principle of development, the development parameters and means of access to be considered at this stage. The appearance, landscaping, layout and scale of the development are reserved for future consideration. The format of the application is rather unusual in that the proposed housing is required to enable the construction of the rugby club facilities. Effectively, the increase in the value of the land generated by the granting of planning permission would provide the funds from the housing developer to construct the club infrastructure and pitches; this would be secured through a Section 106 Agreement.
- 1.12 The proposed development was screened in 2008 against the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A screening opinion was issued on 10 April 2008 confirming that the application was an EIA development and that an Environmental Statement was required. The Council subsequently adopted a Scoping Report on 2 July 2009 setting out the required contents of the Environmental Statement. This month, new EIA Regulations have come into force, which supersede the 1999 Regulations. However, the new Regulations do not materially change the required process or content of the Environmental Statement as is relevant to this development proposal to this stage.
- 1.13 The Environmental Statement considers the likely significant environmental effects of the development and the scope to reduce or mitigate any environmental effects that may occur. The Environmental Statement includes specific chapters on transport, noise, hydrology and drainage, utilities and services, ecology, landscape and visual impacts, community impacts, archaeology and cultural heritage, geo-environmental and agricultural impacts. In addition, the application is supported by several additional reports as follows: Design and Access Statement incorporating a design code, Planning Statement incorporating a Statement of Community Involvement, draft Section 106 Heads of Terms, Arboricultural Report, Sequential Site Selection Report both for the development as a whole and the rugby club in isolation, Sports and Community Use Statement, Heritage Statement, Framework Travel Plan, Framework Waste and Construction Management Plan and a Viability Assessment.

2. Policies

2.1 National Guidance

PPS1	-	Delivering Sustainable Developments (including supplement on climate change)
PPS3	-	Housing (2010)
PPS5		Planning for the Historic Environment
PPS7		Sustainable Development in Rural Areas
PPS9	-	Biodiversity & Geological Conservation
PPG13	-	Transport (2010)
PPG17	-	Sport and Recreation
PPS23	-	Planning and Pollution Control
PPG24	-	Planning and Noise
PPS25	-	Development and Flood Risk

2.2 Regional Guidance

Regional Spatial Strategy for the West Midlands (2008)

2.2 Other Guidance:

Supplementary Planning Documents

- Planning Obligations
- Landscape Character Assessment
- Archaeology
- Statement of Community Involvement
- Biodiversity
- Urban Fringe Sensitivity Analysis Report

Other material planning considerations

- Strategic Housing Land Availability Assessment

2.3 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S6	-	Transport
S7	-	Natural & Historic Heritage
S8	-	Recreation, Sport & Tourism
S10	-	Waste
S11	-	Community Facilities & Services
DR1	-	Design
DR2	-	Land Use & Activity
DR3	-	Movements
DR4	-	Environment
DR5	-	Planning Obligations
DR7	-	Flood Risk
DR10	-	Contaminated Land
DR13	-	Noise
DR14	-	Lighting

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

H1	-	Hereford & the market towns - Settlement boundaries and established residential areas
H7	-	Housing in the Countryside, Outside Settlements
H9	-	Affordable Housing
H13	-	Sustainable Residential Design
H15	-	Density
H16	-	Car Parking
H19	-	Open Space Requirements
T6	-	Walking
T7	-	Cycling
T8	-	Road Hierarchy
T10	-	Safeguarding of Road Schemes
T11	-	Parking Provision
LA2	-	Landscape Character & Areas least resilient to change
LA3	-	Setting of Settlements
LA5	-	Protection of Trees, Woodlands, Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity & Developments
NC3	-	Sites of National Importance
NC4	-	Site of Local Importance
NC6	-	Biodiversity Action Plan – Priority Habits & Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration & Enhancement
HBA6	-	New Development within Conservation Areas
ARCH1	-	Archaeological Assessments & Field Evaluations

3. Planning History

- 3.1 There is no planning history of relevance on the application site itself. Adjoining the site, planning permission was approved on 11th November 2009 for the erection of a new residential care home with associated offices and facilities on land south of Highfield, adjoining Holywell Gutter Lane, Hereford (Ref C0009/2340/F).

4. Consultation Summary

Statutory Consultees

4.1 Environment Agency

Flood Risk: The built development including the water detention facilities are outside the areas of flood risk being within Flood Zone 1 (low probability). While some sports pitches are located within Flood Zone 2 & 3a, this is deemed appropriate within Planning Policies Statement 25 as there will be no ground raising and no increase to flood risk. Dry access may not be available via the main access road in the times of flood and an alternative route has been provided to ensure safe access.

Surface Water Drainage: The principle for SuDS has been incorporated within the development where suitable space appears to be allocated for an infiltration basin to accommodate the increase in surface water run off generated from impermeable surface. We are in agreement that the requirements of PPS25 to reduce run off rates is being considered including seeking to achieve green field discharge rates, demonstration of opportunities to implement sustainable drainage techniques are to be maximised and demonstration that the surface water drainage system can accommodate 1 in 100 year storm event without the flow balancing system being by passed while also taking into account climate change.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

Detailed information has not been provided to show that the site drainage can be designed in a way that flooding would not occur if the balancing system is by passed. There also appears to be uncertainty on the final design of the infiltration basin as to whether this is to be a singular point or whether a multiple or various infiltration techniques could be used in different areas of the site.

The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at a unacceptable risk, this could include measures to manage residual risk such as raising ground or floor levels where appropriate. The final detailed drainage design should be agreed with the local planning authority and Environment Agency to ensure that the design is viable in the context of the calculations submitted within the flood risk assessment and governing factors such as local drainage and hydrogeology.

Foul Drainage: We have no comments to make but recommend that Welsh Water are consulted to establish if sufficient capacity exists.

Pollution Prevention: The applicants should incorporate pollution prevention measures to protect ground and surface water.

Export and import of waste: Any waste produced must be disposed of in accordance with relevant waste management legislation. Wherever possible the production of waste should be minimised and options for re-use or recycling should be utilised. The importation of waste from use in construction may required waste management licence, PPC Permit, or exemption.

Subject to the above comments, the Environment Agency has no objection to the development.

Re-Consultation (Amended Proposals)

No further comments to make.

4.2 Natural England

Habitat Regulations Assessment: The proposal is within 1km of the River Wye Special Area of Conservation which is a European protected site under the Habitat Regulations. This designation also includes the River Lugg. The application does not provide submission information for Natural England to advise on any likely significant effects on the protected site.

In particular, an Appropriate Assessment of the implications of the development on the conservation objectives of the Special Area of Conservation is required. The assessment will need to include the following:

1. Confirmation of which sewage treatment works the development will connect to
2. A water quality assessment considering the impact of increased sewage discharging into the River Wye and particularly prediction of increased concentrations of phosphates, ammonia, biological oxygen demand and dissolved oxygen within the Wye as a result of the development.
3. Clarification regarding site re-profiling within the River Wye floodplain and how the Wye will be protected during construction and whilst vegetation re-establishes.
4. A water resources assessment that demonstrates that necessary water can be supplied without impacting on the River Wye
5. An assessment of any other potential impact of the development on the Wye.

Where adverse effects are identified, consideration of what avoidance or mitigation measures are needed to remove those adverse effects should be agreed with Natural England and Environment Agency.

Landscape and Visual Impact: The 'raw' landscape and visual impact assessment has not been supplied and the environmental statement and technical appendices do not provide a complete understanding.

The site is an important part of the local landscape. Notable characteristics include a localised ridge line and high ground with slopes down to the River Wye and orchard land use. Its character is in keeping with the National and Local landscape type. The Councils Urban Fringe Sensitivity analysis defines the site as being of high/medium sensitivity, and considers that it has potential for housing in timescale of 16-20 years and even then with significant constraints. The Council describes the site in part of this report as "*an area of orchard, on rising ground, providing a locally distinctive landscape feature on the eastern edge of Hereford*".

The site has a pronounced gradient within the elongated ridge running east from the summit. This ridge line and high ground is described in the ES as a notable feature which contributes to the rolling landscape of the area. Although the proposal attempts to mitigate potential impacts by locating development below this ridge line, the proposed re-profiling of the southern slope would materially alter the landform as a whole. Furthermore, the environmental statement does not define the relationship between the sensitivity of the receptor and the magnitude of change or provide a clear conclusion as to the significance of the minor adverse impacts that it identifies.

The loss of around 50% of the orchard on site would have a detrimental effect on the landscape and is a cause for concern. Orchards are noted as characteristic of the Herefordshire landscape. Although commercial orchards are undeniably of less value than traditional orchards, the landscape value of this orchard is made clear in the Herefordshire Council Urban Fringe Assessment which states that "*The bush orchards on the south facing hill create a strong rural character and sense of local distinctiveness*".

The proposal would result in long-term adverse impact on the local landscape. We suggest the Council carefully considers the proposals compliance with UDP Policies S7, LA2 and LA3.

Ecology: Some of the background reports associated with bats and newts have not been provided. Subject to these not raising any concerns, Natural England support the ecological mitigation measures and the combined mitigation strategy for Bats and Great Crested Newts. Vegetation clearance must be undertaken outside the bird nesting season or under supervision of a qualified ecologist. Retained features must be protected during construction, pollution prevention measures employed, lighting and landscaping carefully designed to ensure biodiversity interest of the site are retained and enhanced. We also note that requirement for development licences relating to badgers and Great Crested Newts.

Other matters: We note that the site is not allocated in the Unitary Development Plan or in the Draft Core Strategy.

The Ecology chapter of the ES states that the development falls entirely within the River Wye catchment whereas the water resources and hydrology chapter states that 15% of the application falls within the catchment of the River Lugg. This requires clarification and may need to be included within the Habitat Regulations assessment.

The development requires a large flat area, therefore the southern slope will be subject to re-grading and modification. Information regarding this is not clearly presented within the application. The Waste and Construction Management Plan states that "*The cut and fill exercise has been calculated and designed to ensure that no material will be exported from the site*". This raises questions regarding the impacts of temporary storage and the spreading of soils on the ecological features being retained. Re-profiling in the flood plain also has

potential to impact on the River Wye which will need to be considered in the Habitat Regulations Assessment.

Natural England therefore objects to the development on the grounds of inadequate information to assess the likelihood of significant impacts on the River Wye Special Area of Conservation.

Re-Consultation (Amended Proposals)

Comments awaited.

4.3 Welsh Water:

The development will overload the existing public sewage system and waste water treatment works. No improvements are planned within Welsh Water's Capital Investment Programme. Any developments prior to improvement being undertaken will be premature and therefore Welsh Water objects to the development. It may be possible for the developer to fund the accelerated provision of replacement infrastructure under the Water Industry Act 1991.

Re-Consultation (Amended Proposals)

Welsh Water's objections have now been overcome, subject to a condition requiring the submission of a comprehensive and integrated drainage scheme for the site, separation of foul and surface water drainage flows and prevention of surface water discharge and land drainage run off into the public sewage system. This is also subject to a condition requiring provision of new foul drainage infrastructure from the development site to manhole reference SO52391371 (near Quay Close) to serve the new development.

With regards to Waste Water Treatment upgrade works, these were completed last year which will provide sufficient capacity to accommodate.

4.4 Sport England

Design: In general, the design of the clubhouse, indoor training facilities and AGP are acceptable with the exception of the proposed macadam surface for the indoor training facility which is not appropriate for some sports including contact rugby although it is unlikely it will be used for this purpose given the other proposed pitches. Supporting design guidance excludes any form of macadam of indoor sports halls. The indoor training facility should have a minimum of Type 4 MUGA service which has a macadam base and a polymeric surface including fencing/rebound boards. This surface would not have been suitable for badminton.

A further point in relation to football usage is that there are proposals for 3G artificial pitches for football training in the city which will be a much preferred surface for playing the sport. These surfaces will be more attractive for football use and the business plan should reflect these new modern 3G pitches becoming available.

Additional Demand: The new housing will generate additional demand for indoor and outdoor sport. The provision of the new rugby club will more than provide for the needs in relation to outdoor sport and proposed open space and given the proposed indoor training facility and changing rooms, the normal sports facilities Section 106 contributions will not be required in this instance.

Impact on existing playing field: It is important that the relocation of the rugby club does not mean the existing playing field will be lost. However it is understood that the playing fields are protected by planning policy RTS4 which should ensure sufficient protection for these playing fields.

Section 106 Agreement: A S106 Heads of terms includes provision of a community use agreement which is strongly supported and must form part of the Section 106 Agreement to secure broad community benefit to the site.

In conclusion, Sport England support the application as a need has been established to allow the growth of the rugby club subject to condition requiring the indoor training facility to be constructed in accordance with the design and layout detail set out in the Sport England technical design guidance note.

Re-Consultation (Amended Proposals)

Comments awaited.

4.5 Rugby Football Union (RFU)

The RFU has identified Hereford Rugby Club's proposals to relocate to Holywell Gutter Lane as a high priority within the North Midlands RFU facility plan and RFU Regional Facility Strategy. This is based on a number of factors but is fundamentally linked to the sustainable growth of the game in Herefordshire. The club currently operates 18 teams on a two pitch site within 4 changing rooms in a flood plain. This does not provide any long term sustainable future for the club to both retain and recruit community rugby players or operate on a suitable financial basis to support such a large playing programme. The RFU has also supplied information to the Council in support of the forthcoming playing pitch strategy that clearly demonstrates that demand significantly outstrips supply in the Hereford area and that further pitches and ancillary facilities are needed.

The RFU National Facility Strategy provides a formula whereby the range of activity within a club needs to meet the range of facilities supplied. Within this context, the range of activity delivered by Hereford Rugby Club is classified as an RFU Model Venue 2 which is a site capable of high level competition and capable of supporting county and regional club and RFU programmes. In playing at RFU National Level 3 and supporting city, county and regional playing programmes, the clubs facilities are significantly beneath those needed by a club at this level.

The relocation of the club to a RFU Model Venue 2 location is identified within the Sport England West Midlands Regional Sports Facility Framework which identifies major built facilities of sub regional and regional significance that will be required in the period up to 2026. This is further underpinned by the draft Herefordshire & Worcestershire Sports Partnership, Sports Facility Framework. This report identifies the highest levels of rugby union demand being in Herefordshire and as a result, there will be a shortfall of pitches and ancillary facilities particularly given the predicted population growth over the life of the plan. Indeed the strategy identifies the need for one additional club site close to the boundaries of Hereford to meet this demand once the strategic urban extensions have been identified.

In summary the development of an RFU Model Venue 2 site for Hereford is compelling given its local, sub-regional and regional significance as identified in both the RFU and Sport England's Strategic Plans.

Re-Consultation (Amended Proposals)

Comments awaited

Internal Council Advice

4.6 Traffic Manager

The Transport Assessment demonstrates that the traffic from the development can be accommodated within the capacity of the network at the current time. There may be some

increases in traffic through adjacent residential areas to reach the site but there are a number of route options and therefore the impact on an individual route is likely to be small. A Section 106 contribution could provide for some traffic calming if necessary.

As this site is not allocated in the Herefordshire Unitary Development Plan and has been submitted prior to the completion of the Local Development Framework and finalisation of the Housing Options, its future combined impact on the overall network in conjunction with other sites cannot be assessed. Until such time as this is completed, a decision as to the acceptability of this development may be premature.

A stage 1 safety audit should be carried for the new site access junction with the B4224 prior to determination of the application to confirm the acceptability of the junction. An extension to the speed limit on the B4224 is also desirable and this will need to be assessed against current criteria - the proposed S106 would cover the cost of this. The existing footway along the B4224 should be widened to a minimum of 2 metres wherever possible back to Holywell Gutter Lane. Proposals to enhance Holywell Gutter Lane as a more usable pedestrian/cycle route to the north is also desirable which can be covered through S106 contributions.

It should also be noted that the Hereford relief road study of options includes an East inner corridor option which would affect the area of the proposed development.

Although the internal layout is a reserved matter, the indicative layout of the rugby club appears acceptable but changes may be required to the road serving the residential development. The parking ratio for the residential development of 2.26 spaces per dwelling would appear reasonable. The proposed sustainable transport Section 106 contribution is also generally acceptable subject to the money also being used towards phases of the Connect 2 Greenway.

Subject to the above points being addressed, there is no objection to the development.

Re-Consultation (Amended Proposals)

Comments awaited.

4.7 Sustainable Transport Officer

The Framework Travel Plan is sufficient at this stage but if permission is granted, full and separate travel plans for the rugby club and residential development will be required before works commence. Primary targets for both parts of the development should be based on specific trip figures during peak hours for the residential plan and on match days for the club plan. A 15% reduction in anticipated car trip figures across the first five years of the plan will be sought along with secondary targets on modal share.

Re-Consultation (Amended Proposals)

Comments awaited.

4.8 Environmental Health & Trading Standards (Noise & light pollution)

No objections subject to condition prohibiting the use of the outdoor pitches and floodlighting after 10pm and before 10am and the construction of a noise barrier along the edge of the car park to protect the amenity of the proposed dwellings. The hours of construction would also need to be controlled by a condition.

No light nuisance is envisaged and powers exist within the Environmental Protection Act 1990 if the light nuisance was subsequently to occur.

Re-Consultation (Amended Proposals)

The proposed noise barrier specification is considered acceptable.

4.9 Environmental Health & Trading Standards (Contamination Officer)

The site has formally been used as a commercial orchard which may have been treated with herbicides and/or pesticides. Agricultural land is included within Planning Policy Statement 23 and is recognised as potential source of contamination. If the application is approved, a condition is recommended requiring a phased Contaminated Land Assessment to be undertaken in accordance with good practice guidance.

Re-Consultation (Amended Proposals)

Comments awaited.

4.10 Public Right of Way Manager

The development will not affect the public rights of way.

4.11 Parks & Countryside Manager

Housing proposal: An area of public space in accordance with UDP Policy H19 is required. This should include areas for more formal play for children and teenagers which also meet the requirement of the emerging Play Facility Strategy. It is acknowledged that provision of the rugby club will provide the playing pitch requirements for the development. Inclusion of a balancing pond as public open space is welcomed but these areas will be subject to a different maintenance schedule as appropriate for areas of biodiversity. Determination of the commuted sum for maintenance will be subject to above changes and the detail of these areas.

Ruby Club Proposals: The applicants have prepared a Sport & Community Statement to demonstrate a need for the facilities. The overall vision being to create a sporting hub which is sustainable and beneficial to Hereford and the wider area whilst also accommodating other community uses and meeting the specific sporting requirements of the club. There are questions, strategically over the need for an indoor training facility and 3G pitch. There are a number of other facilities in the area including several in the pipeline. The difficulties are there is a deficiency in supply around peak times but a surplus at other times due to issues over the timetabling of usage. The RFU has provided evidence in support of the need to develop a new facility to meet the clubs requirement to grow the sport in Hereford and beyond, therefore the principle of the application is supported in this regard.

The Clubs Existing Site: The new use of the existing pitches has not been identified but it is understood they will remain as sports pitches and therefore there will be a net gain in the supply of pitches in Hereford. Evidence being collated for the emerging playing pitch strategy has indicated there is need for additional full size football pitches, and an area that could be developed as a centre of excellence for cricket. Other sites within the City may be available to provide additional facilities but they are subject to planning and funding, and this takes no account of future demands for the city in line with the proposed housing growth. Therefore, the continued use of the existing site for sports is supported with the opportunity to use the new facility for other sports, including football and training is welcomed.

Community Use: A Community use agreement will be required to facilitate the wider community use of the facility. Given the clubs scheduling, there will be sufficient capacity for the facilities to accommodate other sports clubs, teams and schools during and outside the rugby season. Therefore facilities have been designed to accommodate other sporting needs including use of the 3G pitch for local football clubs and with the use of the indoor hall for netball leagues and general use by local primary schools keen to establish good links with rugby. This is also supported by the Council's Sports Development team who take an active

role in developing school club links and encouraging participation in wider range of sports including netball and rounders.

Indoor Sports Hall: The Council has undertaken further research using the latest housing growth proposals for the County to assess facility need. This has revealed that existing indoor sport hall provision is adequate for both existing and projected demand. However, this document does not look at particular needs of different sports such as netball nor does it look at peak usage times and training requirements which are both sighted as problems at existing facilities. Evidence has been provided in support of the application of latent demand for facilities to support netball and rounders which is supported by the Council's Sport Development team.

3G Artificial Turf Pitch: The same study also assessed the supply and demand for ATP's. As an enabling development this proposals offers the opportunity to provide the non public funded facility to be maintained by the club and therefore at no cost to the public purse. However, the study again concluded that no further supply is required if the quality and access arrangements of existing and planned facilities are retained. The main issue with existing facilities also appears to be around programming community use during peak times as existing facilities cannot cope with the demand whereas outside peak times are under used which raises questions over their sustainability. Existing facilities also already accommodate a number of different community and school uses to meet City and strategic requirements and a further two ATP's are planned at Cathedral and Bishops schools, both of which will be 3G pitches and therefore could be used for football and rugby. Careful consideration needs to be given to the need for both proposals in such close proximity. It would appear that the provision of one additional pitch could accommodate both school and club use but the question exists as to where this should be located to provide the best options for community use. Further assessment on this are required.

4.12 Sports Development Officer

See above comments.

4.13 Minerals and Waste Officer

The main issue is the management of the earthmoving operations. Wherever possible, soil should be stripped separately and (top and sub soil) and carefully stored for re-use within the development site. If any surplus soil or other materials need to be taken off the site, it will be regarded as waste and needs to be accounted for within the project. The application should estimate the likely quantities of spoil arising, proportion to be used on site and proportion to be disposed off site, even on adjoining land. Any likely adverse effects on the River Wye during construction from soil or silt entering the river should also be assessed and mitigated.

4.14 Housing Development Officer

Whilst the application meets the target for providing 35% affordable housing, the mix and tenure split proposed is not in line with the local authority requirements. The size, type and tenure of affordable units should reflect the mix that is necessary to support the Council in meeting its highest priority needs. Consequently we look for an 80/20% split in favour of rented and a mix of 2, 3 and 4 bedroom units. Whilst the location of affordable housing is to be dealt with at reserved matters; all units should be provided tenure neutral and well integrated with the market housing. All affordable rented and intermediate homes should also be built to current Homes and Community Design and Quality Standards and Code 3 Sustainable Homes.

Re-Consultation (Amended Proposals)

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

Although the applicant will be providing 35% affordable housing in line with policy H9 of the UDP the Draft Heads of terms viability statement does not reflect the required development brief in terms of tenure and mix. In order for the affordable housing mix to be supported, confirmation will be required that the units will be for Social rent and Intermediate Tenure in line with the development brief.

4.15 Conservation Manager (Landscape & Trees)

Landscape Description: The Council's Landscape Character Assessment identifies the site as Principle Settled Farmlands whilst the Urban Fringe Sensitivity Analysis designates the site with a high/medium sensitivity stating *"That the appearance of this zone is important because of its location at the gateway into the City. The bush orchards on the south facing hill create a strong rural character and sense of local distinctiveness"*. Herefordshire's Green Infrastructure Strategy states that the site falls within a flood meadows fringe zone. This being *'an area where green infrastructure can contribute to creating a comfortable, dynamic and functional transition between the settlement and the open countryside'*. Other landscape considerations are Hampton Park and Hampton Bishop Conservation Areas, Wye Valley Area of Outstanding Natural Beauty approximately 3km to the west, the River Wye 400 metres to the south, Wye Valley walk and Three Choirs Way footpaths adjacent the river.

Landscape Character: Orchards are a locally distinctive feature of the Herefordshire landscape. The Urban Fringe Sensitivity analysis describes that this area of orchards and rising grounds provides a locally distinctive landscape feature on the eastern edge of Hereford. The document 'Building Biodiversity into Herefordshire's Local Development Framework' designates the site as semi natural habitat and states that orchards are a priority habitat where the action should be *'retention and appropriate management'*. The local biodiversity action plan also has targets to maintain the extent of orchards in Herefordshire.

Hollywell Gutter lane has hedgerows to both sides but no street lighting, pavements or white lining. It is only lightly trafficked by cars with limited access directly from the lane. The Urban Fringe Sensitivity Analysis states that *'Hollywell Gutter Lane contributes to the rural historic character of this area. This is a historic route which marks the city boundary. Much of the rural character of this narrow partially sunken lane has been retained'*. The applicants' assessment does not support the view that the lane has a rural character.

The topography of the site creates a distinctive mound with north and south facing slopes defined by a specific ridge line running east to west. It forms a stark contrast with the floodplains to the north and south. This creates different landscape characteristics within the site. The landscape assessment states there will be minor adverse residual impact in the construction phase with no effect on the high ground and localised ridge once the development is complete. The major levelling works required to accommodate the housing pitches, buildings and car park does not appear to have been assessed and will have a negative impact on the natural topography of the site.

The woodland belt across the centre of the site is an important historic and biodiverse landscape feature. It provides a considerable contrast to the regimented commercial orchard and further sub-divides the sites character into different areas. The landscape assessment supports this.

The existing boundaries are of mixed quality being a weak framework to the southern boundary including conifer. The north and east boundaries are native hedgerows including trees all clearly identified within the Arboricultural Assessment. The majority of the boundaries retain the historic field enclosure and transport route patterns.

Visual Assessment: The landscape assessment covers all the required view points. No photomontages to demonstrate the proposal in situ or proposed night time visuals are

provided and the impact tables are poorly laid out and hard to use. Many of the points are identified as being very high sensitive locations which will experience a medium or high magnitude of change. The effect, mitigation and residual effects have been broadly described and many are classified as moderately adverse or neutral. My view is that the major works contained in this proposal cannot be effectively mitigated and the overall visual impact will be moderately adverse in the long term.

The principle of ensuring the new constructions are kept below the ridge line will reduce the visual impact although the cross sections are not sufficiently clear to demonstrate this particularly with regard to proposed floodlights. There will be some light pollution as there is currently no lighting within this rural landscape. The visual assessment states that the floodlights will be one of the major factors in changing the view from within the AONB and from Hampton Bishop.

Sequential Site Selection: The landscape issues within this sequential test have been fully addressed particularly by giving more consideration in the dual report to north western sites. However, one of the north western sites has not been considered for sub-division and this may score very highly. Also, none of the investigations has been carried through to the next stage which questions the value of this in determining the final conclusion. The overall conclusions of the sequential assessment are primarily based on viability and availability rather than landscape issues.

Development Design: The buildings proposed and illustrated do not appear to work together creating an awkward juxtaposition between the two. The clubhouse does not respect the natural topography of the site, being positioned with its longest side cutting across the contours and the car park is depicted as a bare rectangle to be developed on a levelled area. This does not show any consideration of working with the existing site. It appears a tall mesh fence would be needed to contain balls within the pitches adjacent to the B4224, this would detract from the rural character of the road corridor.

The housing would not have any direct integration with the existing housing at Hampton Park. The two plazas in the indicative layout do not appear to be defined by buildings themselves. The open space should have a function and be designed to reflect it and the future management and ownership of the open space should be considered.

The visibility splays required for the new access will result in approximately 335 metres of grass verge together with footpaths and a bus stop. This will considerably alter the character of the existing agricultural boundary to the site creating an urban appearance.

The landscape principles set out in the Design and Access Statement are all justifiable for the site, however they are not enough to overcome the major negative impact a development of this nature will have on the landscape character of the area. The provision of a comprehensive site wide landscape strategy with the application may have helped to relate the otherwise disparate elements of the site, which currently do not seem to be linked by any co-ordinated green infrastructure. The open space and layout descriptions provided within the design code are not clearly represented on the indicative master plan. The open space network does not demonstrate the different natures and uses related to the character areas as are suggested. This lack of information exacerbates the poor relationship between the development and the existing landscape.

Conclusion: The application is contrary to Unitary Development Plan Policy LA2 and will significantly alter the existing character of the landscape in this location. The development will cause unacceptable adverse change to the landscape character of the area which cannot be adequately protected or mitigated. Rugby pitches require very large areas of flat land; therefore this sloping site is fundamentally unsuitable for this type of development.

Re-Consultation (Amended Proposals)

This document primarily provides an assessment of the changes to the baseline landscape conditions due to works carried out in January 2011. The works included clearance within the woodland belt and ponds across the centre of the site, as well as removal of *Leylandii* to part of the eastern boundary. The impacts upon landscape character are agreed as being local to the site. The re-taken photo viewpoints clearly show the changes and where additional views have opened up the site. The tables of effects now have headings on each page, but remain difficult to read and cross reference. The tables take account of the masterplan amendments.

I have reviewed the changes to the masterplan, including the housing layout and details contained in the amended Design and Access Statement. I make the following comments:

Rugby Club: The building is now better related to the topography of the site. The proposal for an agricultural shed has some merits in reflecting local buildings and materials, however it still has a very large mass and should be of a high quality design that reflects its intended use (not pretending to be something else). The car park design has not changed significantly. No details or assessment of fencing has been made, but this will have a significant landscape impact. The noise barrier specification will have a negative visual impact, particularly where it runs against the contours, for example along the west edge of the car park.

Housing: The housing layout has made positive changes to the plaza arrangements and layout of the open space. It remains without any direct integration to the existing housing at Hampton Park and will be a negative feature on the highest areas of the site.

Landscape: Very little additional detail has been provided in terms of a co-ordinated green infrastructure plan or demonstration of how the Design Codes can actually be implemented on the ground.

Loss of Landscape Character: The proposed development will result in a loss of landscape character. There is no landscape mitigation that would compensate for such large scale changes to the site. The proposal would create irreversible changes to the key landscape characteristics of the site:

- *Loss of orchard* – This includes a mix of species and ages of fruit trees, but also the loss of trees from the woodland belt across the centre of the site. Where the masterplan shows retention of existing trees, it is likely that these areas will be further reduced when earthworks are detailed and full impacts are assessed.
- *Changed setting to Holywell Gutter Lane*
- *Major earthworks changing the topography* – Although the proposals seeks to maintain the highest ridge, the major cut and fill operations to create the necessary level platforms will permanently alter the topography of the whole site.

This loss of landscape character does not meet current Herefordshire UDP Policies, nor various European and National landscape aims such as:

- The European Landscape Convention (ELC), which highlights the importance of developing landscape policies dedicated to the protection, management and creation of landscapes. This is being implemented by Natural England, through their ELC Action Plan, where success is demonstrated through diverse landscapes providing a sense of place and identity relevant to people's lives, brought about through integrated landscape management and good planning and design.
- Planning Policy Statement 7: Sustainable Development in Rural Areas recognises that there are areas of landscape outside of nationally designated areas that are particularly highly valued locally.

In protecting valued landscape, Herefordshire has already made steps to set out a strategic approach to planning positively for the creation, protection, enhancement and management of

networks of biodiversity and green infrastructure. The site has been assessed as part of the Local Development Framework Evidence Base – the relevant sections are summarised here:

- The Urban Fringe Sensitivity Analysis (USFA) (Herefordshire, Jan 2010) designates the site as High-Medium sensitivity, stating that *'The appearance of this zone is important because of its location at a gateway into the city. The bush orchards on the south facing hill create a strong rural character and sense of local distinctiveness. Holywell Gutter Lane contributes to the rural and historic character of this area. This is a historic route, which marks the city boundary. Much of the rural character of this narrow, partially sunken lane has been retained'*. In viewpoint 21 of Hereford, describes that *'This area of orchards, on rising ground, provides a locally distinctive landscape feature on the eastern edge of Hereford.'*
- Building Biodiversity into Herefordshire's Local Development Framework (Dec 2009) designates the site as a Semi-natural habitat and states that orchards are a priority habitat, where the action should be *'retention and appropriate management'*.
- The Local Biodiversity Action Plan has the Targets HRF/TOR/T01-T05 for orchards, particularly aiming to *'Maintain extent of orchards in Herefordshire.'*

Conclusion: I remain of the view that this application is contrary to UDP Policy LA2 on preserving the character of the landscape. Such large scale development on this site would cause unacceptable adverse change to the landscape and cannot be adequately protected or mitigated.

In addition I find that the proposal is contrary to UDP Policy LA3 'Setting of settlements'. This policy requires that new development proposals will be required to have minimal effect upon landscape setting. As stated above, the B4224 is an important visual approach into the city, currently providing a gateway where the orchards are locally distinctive and the rolling topography limits suburban sprawl to west of Holywell Gutter Lane.

4.16 Conservation Manager – Ecology

I have liaised with Natural England regarding the potential impact on the River Wye, Special Area of Conservation. In order to complete Habitat Regulations screening report to establish potential effects on this European site, the further information as requested by Natural England in their response is required. Further comments can be provided once this additional information has been received.

4.17 Conservation Manager – Archaeology

Archaeological Interest: The archaeological interest of the site is split into three thematic area. Firstly, there is the comparative closeness to the Scheduled Ancient Monument (SAM) and associated multi period remains. Secondly, there is the presence of a topographic knoll in the north central part of the site which could have significant archaeological interest including the presence of Iron Age/Romano-British enclosures and other remains. Thirdly, there is the intermittent presence of archaeological remains in other parts of the site.

Likely Impacts: Given the SAM is a subterranean site and is some distance away, the impact of the development on this heritage asset will be limited. The layout of the development also largely avoids the sensitive summit area of the topographic knoll so offering it an element of protection. The other archaeological remains are likely to be intermittent in nature and deeply buried. Whilst it is likely that some archaeological interest will be harmed, the degree of harm will be limited and could be mitigated by archaeological recording.

Whilst the archaeological interest of the site is appreciable, the impact of the development is acceptable subject to appropriate mitigation via an archaeological condition requiring further archaeological investigations and recording during construction.

4.18 Children & Young Peoples Manager

The education facilities provided for this development site are Mordiford Primary School and Bishops Secondary School. Although St Pauls Primary and Hampton Dene Primary Schools are closer, the catchment is based on historical parish boundaries. If deemed appropriate, the contribution could be split between the schools. In addition, Hereford City pre school provision is inadequate and Hereford City Youth Service is seeking to expand its services providing more specialised work with the youth communities.

Mordiford Primary School as of Autumn 2010 school census was over subscribed in every year and St Pauls, Hampton Dene and Bishops were over capacity in several year groups. In accordance with Planning Obligations SPD the Children's and Young Peoples Directorate would therefore be looking for a contribution to be made towards inclusion of additional children generated by this development.

Mordiford's classroom sizes and the school hall is substandard, improvements to car park facilities are also required to provide a more secure and safer access and parking arrangements. Bishops School is seeking to development a learning hub to provide ICT, meeting facilities, one to one provision, counselling and a larger library. These ancillary facilities would enable classroom space to be freed up. In addition, 1% of population are affected by special educational needs and a proportion of the S106 contribution would be allocated to this educational sector. The contribution of £996,035.00 is therefore sought towards pre school, primary, secondary, post 16 and special education provision.

5. **Representations**

5.1 Hampton Bishop Parish Council

The Parish Council does not support the application for the following reasons:

- The site is not in the Unitary Development Plan. Enabling development should only take place on land in the Unitary Development Plan which states that outside of settlements, residential development must be strictly controlled in order to protect the landscape and the wider environment. Only development which meets agricultural need or other economic, rural business or farm diversification requirements or results in conversion of a rural building or the replacement or extension of existing dwelling is permitted
- The relocation of the sporting facility must only be considered in planning terms. An objective view on the need or desire for a sporting club cannot become a precedent for planning on land outside the UDP.
- It appears that the Rugby Club has wishes far beyond its current status and the model for the long-term financial stability of the land and buildings is uncertain and unclear. The proposed development may require staff living on site in the future which would be subsequent further planning applications.
- The adverse effect on the landscape. The vista from the Wye Valley walk looking north would be destroyed contrary to the UDP which requires protection, restoration and enhancement of the environmental assets.
- The development would double the size of the parish at a stroke affecting parish and community life.
- The parish has specific flooding problems which are well documented in the recent past. This had prevented all new housing within the flood plain over the last six years. This proposal to build on high ground above the flood plain will alter the agricultural landscape and allow water to flow into a basin surrounded by flood banks.
- The village of Hampton Bishop has a very fragile water eco system and ditches are often full from October to April. The local ditches are the responsibility of the landowners assisted by help from part time lengthsman paid partly by the parish

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

council. The drainage on the highway is the responsibility of Herefordshire Council. The parish can therefore anticipate minimum help from the Council with a potential internal flood problem and the EA will only act on River flooding. Drainage to the River Lugg is by two large flapped pipes at Mordiford which close when the river level is high trapping water in the village. The development proposes a holding pond and clearing of two existing ponds to slow down but not stop water flow, into an already poor ditch system which runs down hill to Mordiford. The Parish Council on behalf of the villagers have no faith in this simplistic solution. If planning permission is considered thought must be given to purification and direct discharge to the River Wye below the development rather than by ponds and further strain on existing poor flowing ditches. Alternatively, ditches must be upgraded and a pumping station placed to remove water to the Wye at Mordiford or other solution found as offered by the EA.

- Capacity of the existing infrastructure to cope is of serious concerns, such as road and schools facilities. 190 houses will result in 450 children requiring school places based on national statistic of 2.4 children per household. This could require 15 extra classrooms in local schools already apparently full.
- Sporting development will have to attract routine and non routine sporting and leisure events to be financially viable with the consequent increase in traffic, noise and light pollution.
- Cycling to work and for leisure is encouraged by the council but the B4224 is hazardous from Mordiford to Hereford.
- Speed restrictions have been repeatedly refused on the grounds of driver frustration. Increased volume will eventually result in a disaster especially at the entry roads to Hampton Bishop village.

The Parish Council urge rejection of this application.

In response to the amended plan consultation, the Parish Council have provided a comprehensive response and Section 106 Heads of Terms. Insufficient time was available to fully report this in the Committee report. A full written and oral summary will therefore be provided at Committee. However, in summary, the Parish Council maintain their objection to the application on the grounds of 1) The Housing is not needed, 2) the development is outside the settlement boundary, 3) There is no foundation for this form of enabling development, 4) There are other sequentially preferable sites, 5) Flood Risk, Traffic, Landscape Impact and the general scale of the development.

5.2 Although not specifically consulted, comments have also been received from nearby parish councils of Fownhope and Dormington and Mordiford Group Parish Councils:

5.3 Comments from Fownhope parish council:-

- Concerns regarding increased traffic along the B4224 through Fownhope, traffic calming measures may be required.
- Concerns over the likely impact of light pollution from the flood lights.
- Incidents of flooding in Hampton Bishop has an impact on Fownhope residents directly as a result of road being closed. Reassurances would be required with the flood attenuation measure are fully assessed.
- Have alternative sites been considered?
- If approved, some of the S106 contributions should be spent within the Parish. In particular, the local school would benefit from additional funding, the recreation and field association are seeking to upgrade the pavilion and a footpath extension has been sought towards the shop in the village.

5.5 Comments from Dormington & Mordiford Group Parish Council:-

- Parish council have two primary concerns relating to the impact on the catchment school (Mordiford) and increased traffic flow.
- The volume of traffic is a concern and is an issue to be addressed within the parish plan.
- The parish have also identified S106 requirements which include new allotments, play area, improvements to the community hall, parking provision within the village, improvements to Mordiford Green within the village centre and traffic calming on the B4224 or C1292. Some of the S106 contributions should be used within the parish for these purposes.

5.6 Hereford City Council

The application should be refused as unsuitable for housing development on this scale. There is no justification for an exception to allow this build in open countryside which would have a detrimental effect on the local ecology and biodiversity, detrimental to the amenity of the neighbours, cause additional traffic problems with the junction at Ledbury Road and fundamentally change the character of this rural area.

5.7 In response to the original consultation, 54 letters and e-mails of objection have been received. The main points raised are: -

- The proposed development will increase the amount of surface water run off in the area causing localised flooding of properties and the road.
- The development will significantly increase the amount of traffic in the area.
- Soakaway drainage systems may not work as there is already a very high water table in the area which is also all a designated floodplain..
- Development encroaches in to green belt land.
- Development will result in an unacceptable increase in noise pollution day and night from spectators and the club house..
- Development will place increased pressure on local schools which are all oversubscribed.
- The road network from Mordiford is already hazardous and any increased traffic will exacerbate the situation.
- Existing community facilities cannot cope with additional housing in the area.
- The club chose to move to their existing location in the knowledge that the site flooded; to now use this as an excuse to move to a new site causing potential flooding in the area is selfish.
- If the water attenuation ponds overflow, local properties will be flooded
- There are other more suitable sites surround the city for the proposed development.
- The visual impact of the development would be significant and over a wide area.
- The development would lead to increased creeping urbanisation outside of the natural city boundary.
- The development would result in significant light pollution visible for some distance due to the elevated nature of the site.
- The development is in conflict with many policies within the Herefordshire Unitary Development Plan as it falls within open countryside.
- The foul drainage infrastructure in the area cannot accommodate the housing development proposed.
- The development would result in a loss of an area of established landscape and orchard which is a local and UK Biodiversity Action Plan priority habitat.
- The rugby development would require extensive cutting into south facing slopes in order to level the ground for the pitches.
- The traffic assessment overlooks the impact of the development on Eign Road itself which is permanently lined on both sides with parked vehicles.

- The transport assessment states that the development will be accessible by means of transport other than cars, yet the recommended PPG13 2km cycle distance would only include Hampton Park and Tupsley area.
- The Natural Environment and Rural Communities Act 2006 and Herefordshire Council Bio-diversity Strategy 2007-2010 places a duty on the local authority to have regard for the conservation of bio-diversity in exercising their functions.
- Other local residential estate roads such as Sudbury Avenue and Old Eign Hill are not suited to accommodate increased traffic.
- The development will have a serious detrimental effect on the quality life of existing residents in the area.
- The proposed wider community use of the club and associated sports facilities would exacerbate the traffic and noise impacts of the development.
- The development may lead to an increase in anti social behaviour associated with social events at the clubhouse.
- The scale of the development extended to over 20 hectares is far too large, particularly when compared to size of the clubs existing site.
- The site is home to extensive wildlife including Great crested newts, bats, badgers, owl and various other bird species which would be lost if this development proceeds.
- The site is remote from the railway and bus station and the development will rely on the use of private car.
- The Government have abolished housing targets and therefore the site should not be viewed as a windfall housing site.
- The site could be expanded in the future resulting in the removal of further orchard.
- The development will set a dangerous precedent for similar developments across the county.
- The needs of the club should not be used to justify the development.
- The development would effectively link Hampton Bishop to Hereford resulting in an historic village being doubled and lost amongst urban sprawl.
- Further wildlife will be lost when houses are occupied with owners having cats which are formidable predators.
- Traffic survey does not account for two recent accidents in the vicinity of the site
- Increasing traffic would cause additional pollution in the area.
- Existing foul drainage infrastructure is already inadequate and could not accommodate a further 190 residential units.
- The infiltration pond at 1.5m deep could be a danger to children.
- The site is of archaeological interest,
- The principal beneficiary of the proposal is the landowner with the increase in the value of the land of between 400 & 500%.
- Speed of traffic of the B4224 regularly exceeds speed limits.
- The development would prejudice the delivery of a eastern bypass option and should be refused for this reason alone.
- Loss of trees and hedgerows will have a significant negative impact on the area.
- The road network in the area is not safe to walk or cycle on.
- The needs of the club is not sufficient to override normal open countryside planning policy restrictions.
- The infiltration basin will not catch all water that runs from club facilities and the wider development,
- The removal of all the trees and orchard will increase surface water runoff.
- Properties in the area will be devalued as a result of the development
- The development could cause damage to the Rivers Wye and Lugg, both of which have the highest possible European conservation status.
- The development is contrary to Unitary Development Plan policy RST1 which states that the sport and recreation facilities should only be permitted where the

countryside is the primary resource for the proposal and the rural landscape and environment are sustained.

- The bus service past the site is limited with no evening or Sunday provision.
- The local doctor's practice is already operating at capacity.
- The affordable housing provision is vague and does not identify ownership, type or price.
- The percolation tests were carried out on the higher ground and none carried out on the lower lying ground next to the B4224.
- The proposed 200 vehicles car park is inadequate
- Rugby balls may be kicked onto the road from the lower pitches.
- A scaled down proposal would be more appropriate
- Views from the Wye Valley walk would be destroyed.
- The scale of the development would alter the dynamics of the Hampton Bishop Community.
- The development will lead to the proliferation of on street parking in the area and within local estates causing nuisance to local residents.
- All post offices referred to in Environmental Statement are now closed.
- If the application is approved, the Council may be subject to judicial review.
- No material evidence has been presented of interference with the clubs activities by flooding their existing site
- Consideration should be given to the use of other sports pitches and sites within the city, prior to developing new facilities.
- The application provides little information on design, and a design consultant does not form part of the professional team.
- Extensive levelling will require either a retaining structures or battered earth banks necessitating the removal of additional trees beyond close proximity of the pitches.
- The orchard on site is perhaps one of the most special parts of the city and is seriously undervalued by the applicant.

5.8 In response to the re-consultation on the amended proposals, at the time of completion of this report, a further 22 letters and e-mails of objection have been received. The points raised largely summarised above. The principal additional comments is as follows

No amount of amendments will change the fundamental objections to the development.

5.9 In response to the original consultation, 25 individual letters of support have been received. In excess of one hundred additional letters and names on petitions have also been received. The content of the letters is identical. The main points raised are:-

- The existing club facilities are over stretched.
- The facility could provide a valuable community resource on weekdays all year round and the whole week during the off season, outside September to May.
- The pitches are prone to flooding which means fixture lists are hard to plan and insufficient pitches are available to accommodate local demands particularly from youth rugby. Consequently the quality of pitches is deteriorating as a result of overuse.
- The club is important to the city and competitive team sports should be encouraged for the life skills and health benefits they provide.
- The development provides a golden opportunity to safeguard competitive rugby within Hereford for generations to come.
- The development would provide the venue for two indoor netball courts for Hereford Netball League enabling more scope to develop netball in the County.
- The Council should be encouraging sport
- The facilities can be developed at no cost the Council
- This relatively small development will not have an effect on flooding

- Only 15% of the village attended the parish council meeting and therefore there cannot be a majority against the development
 - There have been many developments on greenfield sites around the city over the last 50 years
- 5.10 In response to the re-consultation on the amended proposals, at the time of completion of this report, a further 5 letters and e-mails of support have been received. No new points are raised.
- 5.11 The full text of these letters can be inspected at Planning Services, Franklin House, Blueschool Street, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The key considerations in the assessment of these proposals are as follows:

1. The need for the club to re-locate and Application Format
2. The Principle Including the Consideration of Alternative Sites
3. Traffic and Accessibility
4. Visual and Landscape Impact
5. Flood Risk and Drainage
6. Biodiversity
7. Viability Assessment
8. Housing Need
9. Sport and Recreational Need
10. Heritage Matters
11. Other Matters
12. Conclusion.

The Need for the Rugby Club to Re-Locate.

- 6.2 The club was formed in 1870 and currently occupies the site at Wyeside adjacent to the River Wye. They moved to the current site in the 1980s following the sale of the previous site in Rockfield Road. The existing site currently provides two senior and one junior pitch. The club also rents a further one senior and two junior pitches on adjacent land owned by the Rowing Club albeit the additional pitches can only be used on Sunday mornings between September and April. Also on the existing site is a building comprising of the clubhouse and changing facilities with a small covered spectator stand built in the 1930's and extended and adapted since the club's occupation of the site.
- 6.3 The applicants advise that club membership has grown considerably in recent years particularly amongst the youth team and they currently have 16 teams ranging from the 1st team to under 7's level. In 2002 the club gained mini and youth seal of approval accreditation from the Rugby Football Union (RFU) in recognition of their commitment and achievement to the provision of Rugby Union for young players. In 2009, Hereford Rugby Club was one of the few clubs in England to also be given whole club seal of approval accreditation in reflection of their work in coaching and participation across all teams and age ranges.
- 6.4 Their existing site also lies adjacent to the River Wye and floods annually during the rugby season. The flood zone classification also limits what new development could take place, if the funds were available. However, no evidence has been provided over the direct impact that flooding causes on the club annually in terms of frequency of events and number of games having to be cancelled. It is therefore difficult to quantify the scale of impact the location of the existing site within the flood plain causes. The existing site is also well located in relation to

the city being within walking distance of many surrounding residential areas where club membership would emanate from. Vehicular access to the existing site is, however, poor being largely single width and narrow under the former railway bridge

- 6.5 It is accepted that the scale of the club is no longer commensurate with the extent and quality of facilities provided at the site both in terms of the number of pitches, the training facilities and the condition and size of the clubhouse, changing and showering facilities. There is no scope to permanently expand the club at the existing site and any development would be heavily constrained by the floodplain classification of the site. Furthermore, the club advises that they do not have the finances to facilitate this in any event.
- 6.6 The growth of the club over the last 10 years and the RFU's recognition of this and the quality of the coaching being provided also demonstrates their commitment to the game and the future ambitions for growth. The need to establish a new site to ensure a sustainable future for the club and the game in Hereford is therefore accepted although the urgency of this need is less clear.

Format of Application

- 6.7 The applicants do not have the funds themselves to realise their ambitions to develop a new base for the club. Their existing site does not have a development value (other than for sports usage) due to its location within a functional flood plain. Approximately £1 million was being offered by the RFU to assist with the expansion of the club or the establishment of a new site but this money is no longer available and in the current financial climate, there is unlikely to be other significant sources of public funding available. The only means by which the development of a new base for the club can be facilitated is therefore through a development opportunity elsewhere within the city.
- 6.8 The application format, known as an enabling development is being proposed to fulfil the club's ambitions. The landowner is effectively gifting the land to the club for a £1. The increased value of the land generated through securing outline planning permission for the residential development would then provide the funds to construct all of the club facilities. The application is supported by a Viability Report scheduling the development costs to demonstrate the total amount of housing required to fund the total costs associated with the delivery of the club's facilities. This is discussed in more detail in paragraphs.
- 6.9 There is no planning policy guidance or support at either a local or national level for this format of application associated with sport and recreational facilities. Planning Policy Statement 5 does contain guidance on enabling development associated with future conservation of heritage assets in the public interest but this is not directly applicable to the proposed development. As such, there is no planning policy support for the format of application proposed though this factor, in itself, is not a reason to resist the development. The principle of the development and other sites considered now falls to be assessed.

The Principle Including the Consideration of Alternative Sites

The Principle

- 6.10 The starting point for the consideration of the development proposals is the adopted Development Plan. For Herefordshire, this remains the Unitary Development Plan (UDP). Policies relevant to the consideration of this application have been confirmed as saved by the Government Office for the West Midlands in February 2010. The courts have also recently ruled that the Regional Spatial Strategies remain in force and should be regarded as a material consideration in the assessment of any development proposal. For Herefordshire, this is the adopted Regional Spatial Strategy for the West Midlands (2008).

- 6.11 The UDP identifies a hierarchy of settlements starting with Hereford, then the market towns followed by the larger villages known as main villages. Within these areas the extent of the settlement is defined. The eastern boundary of the city relevant to this application is defined by Holywell Gutter Lane as identified on the proposals map accompanying the UDP. As such, for the purposes of planning policy, the proposed development falls within the open Countryside.
- 6.12 The UDP policies in general are aimed at strictly controlling new development outside of the defined settlements, the presumption being that such development should only be permitted in exceptional circumstances where specific criteria are met. In this instance, Policy H1 stipulates that any new housing within Hereford and the market towns should be restricted to within the defined settlement boundary whilst Policy H7 defines the criteria under which new housing can be permitted in open countryside. However, this policy is primarily geared towards smaller scale developments such as new farm workers dwellings or conversion of rural buildings rather than large scale residential developments such as this. The development is therefore contrary to the relevant housing policies within the UDP.
- 6.13 This second component of the application is the sport and recreational facilities. Policies RST1 and RST10 in particular are relevant. Policy RST1 sets criteria against which new sport and recreational development should be assessed and confirms that such development could be permitted in the countryside but only where the countryside is the primary resource for the proposal. This is not the case with this proposal.
- 6.14 However, Policy RST10 does allow for major sports facilities on the edge of Hereford where they are meeting identified regional or sub-regional needs. The policy also requires such schemes to be acceptable in terms of their environmental impact and that they are located in a sustainable and accessible location. In principle, the sport facilities could therefore achieve policy support if a regional need exists. This is considered in section of this report.

Consideration of Alternative Sites

- 6.15 Policy RST10 is also subject to the requirement that it be demonstrated that there are no suitable sites available within the urban area to accommodate development. To satisfy this requirement, the applicants have carried out assessment of alternative sites within and around the city known as a sequential test report. This study has been carried out for both the development as a whole and just the sport and recreational facilities in isolation. Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 also requires that Environmental Statements in support of development proposals identify the main alternatives considered and the reasons for the proposed choice.
- 6.16 It was agreed with the applicants that the sites to be considered could be those that have been assessed by the Council as part of the Strategic Housing Land Availability Assessment both within and around the city. The site selection criteria for the full development was a site of 16 hectares in area or 8 hectares each if the developments are separated. However, it should be noted that the housing site was on the basis of 250 units and therefore with the proposal now only comprising 190 units, a smaller site area would be suitable.
- 6.17 A total of 22 sites were considered for the development as a whole with a further four sites considered for the housing development in isolation. The applicants have then assessed each site by attributing points against a set of 10 criteria - planning policy constraints, access capabilities, flood risk, impact on biodiversity and ecology, impact on listed buildings and ancient monuments, linkages to the existing built up form, connectivity and proximity to Hereford City Centre, landscape and visual impacts, site characteristics and availability. The maximum points score from any one site that can be achieved being 44. The assessment criteria and scoring methodology used is considered acceptable.

- 6.18 The outcome of this process was that the proposed site achieved a score of 10 with the highest scoping other site being 20. All scores were heavily influenced by the availability assessment criteria with all sites scoring -3 except the proposed site which achieved a score of +5 for availability. Furthermore, utilising the applicants own assessment criteria, it is considered a more accurate score for the development site would be 8 or even 7. With a score of 7 based on the applicants own assessment, there would be 7 other sites around the city that would achieve higher scores. Indeed, the applicants have acknowledged that there are other sites that may be more suitable or appropriate for the development.
- 6.19 Some of the potentially more appropriate alternative sites form part of strategic development opportunities being identified by the Council within the Core Strategy and therefore, it is unlikely these will be available. There may, however, be additional adjoining land also under the control of a developer that could provide the sports facilities. There are also other sites that score highly but are not identified for strategic housing development at present. The scoring achieved for some of these sites is also considered to be incorrect. Overall, the sequential assessment carried out for both the development as a whole and housing in isolation demonstrates that there are other sites that are more appropriate and suitable for the development.
- 6.20 This conclusion is also supported by the Council's own Housing Land Availability Assessment. This considered the application site in two parcels. Namely, the land which now largely forms the residential component of the application and the adjoining land to the east. The Council's summary conclusion on the suitability of both sites is that they are significantly constrained by their landscape qualities and other more appropriate sites should be considered first. A 16-20 year timescale was placed on the potential development opportunities of both sites. Therefore, whilst the site is not ruled out entirely for development, sequentially, there are considered to be other more appropriate sites that should be developed in the first instance.
- 6.21 The applicants have also undertaken a sequential site analysis for the Rugby Club facilities as a stand alone development which considered 14 sites.. A different methodology has been used for this assessment following the advice contained within Planning Policy Statement 6 relating to large scale retail and leisure developments. The emphasis being on locating such uses to town and city centres rather than the edge of or out of town. Whilst your Officers understand the reasoning for utilising this assessment methodology, it would have been more transparent to use the same methodology for both sequential site assessments in order to draw comparative conclusions.
- 6.22 This sequential analysis is based on the requirement for a site area of 8 hectares to accommodate all the pitches and facilities required by the club. The scope to segregate the facilities across more than one site is accepted as being undesirable although the essential need for all the facilities is questionable and consequently, a smaller site could be considered. Nevertheless, for the purposes of the sequential assessment a site of 8 hectares is accepted. As with the previous sequential assessment, this report also concludes that there are several sites within and around the city that would be suitable for the club to relocate to and expand. In particular, 7 sites have been identified as being suitable for the development of the Rugby Club in terms of their physical and spatial attributes. Therefore, on the basis of land use planning considerations, other suitable and more appropriate sites also exist for the development in its disaggregated form.
- 6.23 The applicants consider that the suitability of other sites should be balanced against the availability and viability of these sites. This is supported by both Planning Policy Statement 3 when considering future housing sites where availability is relevant and Planning Policy Statement 6 when considering retail and leisure developments where both availability and viability are recognised site selection criteria. It is not accepted that other sites are not available to deliver the development. However, as the application site is to be sold to the applicants for a £1, the site is inevitably going to be more viable than any other site within or

around the city. As the club have no funds to deliver the new facilities, in considering other sites, the issue is therefore the weight to be attributed to the financial circumstances of the club versus normal land use planning considerations such as compliance with planning policy and the physical and locational characteristics of a site. Such financial considerations are rarely regarded as material planning considerations in the assessment of an application and it is considered that this proposal is no different. It is nevertheless appreciated that the likelihood of the club's requirements being met on a future strategic housing site is limited given the land area and facilities required and landowner expectations. Over the next three years or so, the Council is likely to adopt a community infrastructure levy but these funds can only be used for essential community infrastructure. This would be a longer term strategy whereas the applicants argue that this application can deliver both housing and club facilities within a period of two years. These time scales are considered somewhat unrealistic although the recent appointment of a development partner adds some credibility to the applicants early delivery argument.

- 6.24 The site lies in open countryside where the adopted UDP policies seeks to control large scale new residential development and only permit large scale sports developments where a regional or sub-regional need is demonstrated. There are many sequentially preferable sites within and around the city that could accommodate either the development as a whole or the development in its disaggregated form but none of these sites would provide the required opportunity to develop the club's facilities due to their financial circumstances. This consideration should not override longstanding land use planning considerations. The principle of development is therefore contrary to adopted policy.
- 6.25 The national planning policy framework is likely to significantly change over the next twelve months or so with there being a strong presumption in favour of sustainable development particularly when the development plan is not up to date. Due to the early stages of the preparation of this policy and the fact the UDP policies are saved, it is considered the UDP remains the relevant document to assess the application against.
- 6.26 Section 38 of the Planning and Compulsory Purchase Order Act 2004 stipulates that all development should be considered in accordance with adopted policy unless material considerations indicate otherwise. This report will now consider the other planning considerations and whether they are sufficient to outweigh the normal policies which control new development in the open countryside.

Traffic, Access and Accessibility

Traffic Assessment

- 6.27 The application is supported by a Traffic Assessment which considers the potential impact of increased traffic generated by the development along with the means of access, highway safety issues and accessibility of the site by sustainable transport modes. The traffic impacts are also considered with the Environmental Statement (ES).
- 6.28 The traffic generated by the development as a whole has been assessed along with that associated with both the housing and sports facilities independently using the TIRCS database of comparable examples elsewhere in the country. The housing development has been assessed on the basis of 250 units to provide a robust assessment and the assessment is based on peak hour traffic between 0800 to 0900 and 1700 to 1800. In line with recommended guidance, the traffic assessment period of 5 years from the submission of the application has been used (e.g. 2015) which includes a traffic growth rate factor in line with national data.
- 6.29 An automated site traffic survey was also carried out in June 2010. This surveyed 24 hour two-way traffic flows and vehicle speeds on Hampton Park Road over a one week period . In

addition, a week day morning and evening peak period survey was carried out at the Eign Road/Ledbury Road/St Owen Street junction.

- 6.30 This analysis confirmed that all legs of this junction are currently operating within capacity although the am peak hour Eign Road leg of the junction is nearing design capacity. The Traffic Assessment also analysed highway safety records for the previous 3 years for the entire length of Hampton Park Road from Hampton Bishop to the Ledbury Road junction. This revealed that 18 accidents occurred, 15 classed as slight in severity with one fatality. Two accidents have occurred in the vicinity of the site access but both are recorded as involving a single driver losing control with one identified alcohol as a contributory factor. The records do not identify any particular accident hotspots along the length of road analysed. Finally the Traffic Assessment also analyses traffic speeds on Hampton Park Road between the transition from the national limit of 60mph to 40mph. This revealed average speeds of 43mph with an 85th percentile speed of 49.8mph. This highlights the need for the existing speed limit to be extended.
- 6.31 The traffic assessment calculates a total of 132 vehicle movements to and from the site through the am peak and 156 during the pm peak. Based on the current directional distribution of traffic using Hampton Park Road, the traffic assessment predicts that 70% of this traffic will arrive and depart the site from the west. This assessment also reveals that both the proposed site access and the Ledbury Road/St Owen Street/Eign Road junctions would continue to operate within capacity in the 2015 assessment year. The Eign Road leg of the junction is nearing capacity with potential vehicle queue lengths of up to 9 vehicles estimated during the am peak period. However this is very much a worse case scenario as it is on the basis of 250 units.
- 6.32 A prediction of increased traffic flows on Hampton Park Road travelling eastwards through Hampton Bishop and on to Mordiford has also been undertaken. Utilising the assumption that only 30% of the development traffic will be travelling east from the development site, the traffic assessment predicts the two way traffic during the am peak period will increase by 5.27% and the pm peak period by 7.3%. Even accounting for a higher percentage of traffic travelling eastwards, the scale of increased traffic flows is not considered to be significant and can be accommodated on the local highway network.
- 6.33 The percentage increase in westbound traffic flows is more significant and is assessed in greater detail within the Environmental Statement. The projected change in total traffic in the 2015 year for the am peak is 12.3% on Hampton Park Road and 15% on Eign Road with a 17.6% increase in the pm peak on Hampton Park Road and 19% on Eign Road.
- 6.34 The ES, based on best practice guidance identifies where traffic levels or HGV traffic is predicted to increase by more than 30% generally or 10% in sensitive locations, a more detailed Environmental Assessment is required. In this instance, the Environmental Statement focuses on Hampton Park Road west and Eign Road and undertakes an Impact Analysis against seven criteria. These being severance, driver delay, pedestrian delay, pedestrian amenity, accident and safety, hazardous loads and the impact on Hampton Bishop. In respect of all categories, the Environmental Statement concludes that the traffic impacts of the development have been classed as low.
- 6.35 The Environmental Statement also considers the traffic impacts of the construction phase both in terms of the total number of vehicles and HGV movements in particular. Whilst total increase in vehicular movement during the construction phase will be marginal (less than 2% generally) the Environmental Statement identifies a 55% increase in HGV movements westbound during the am peak period and 62% in the pm peak period rising to 71% on Eign Road itself. Whilst these figures appear high, this is largely due to the very low level of HGV traffic currently with the actual numbers increasing by 5 and 9 for the am and pm peaks

respectively. Given the 'B' classification of these roads, this level of increase is not considered significant.

- 6.36 It is accepted that the local highway network including the Ledbury Road/St Owen Street/Eign Road junction has sufficient capacity to accommodate the construction and operational phase traffic. The impacts of the increased traffic are, however, considered to be greater than is classed in the Environmental Statement. This is particularly in the more traffic sensitive locations such as Eign Road and the associated Ledbury Road junction where queue lengths will increase as a result of the development causing driver delay. More than 30% of the development traffic may also travel eastwards increasing traffic through Hampton Bishop and Mordiford.
- 6.37 Overall though, it is not considered that the traffic impacts of the development will unacceptably compromise localised highway capacity or highway and pedestrian safety. Environmentally, the ES also demonstrates that the environmental impacts of the increased traffic are not unacceptable. In drawing these conclusions, regard has also been had to the fact that the Traffic Assessments have been undertaken on the basis of 250 residential units and does not account for secondary traffic routes. This therefore represents a very much worse case scenario. In line with best practice, the traffic impacts can also be mitigated in the construction phase through a Construction Traffic Management Plan and during the operational phase through Travel Plans for both the residential and sports facilities along with physical measures to improve the accessibility of the site. These are considered in greater detail in following paragraphs. The traffic impact of the possible future road would be assessed as part of that particular application.

Access

- 6.38 The site is presently served by two vehicular accesses directly onto the B4224 Hampton Park Road. The proposals are to close the existing western access and construct a new access approximately 14 metres to the east. This will take the form of a priority junction with the addition of a right turn lane. The proposed access has been moved to the east to improve the visibility splay to the west which is currently below standard relative to the speed limit in this location. The new site access will also incorporate the proposed bus lay-by on the northern side of Hampton Park Road to serve the development.
- 6.39 A new section of pavement is also proposed westwards from the site access to connect in with the existing pavement on the north side of Hampton Park Road. It will also be necessary for the existing pavement to be widened as far as possible as it is relatively narrow in several sections. The existing vehicular access east of the site is to be retained but only for maintenance use associated with the retained orchards and lower grass pitches. If the application is approved a condition can be imposed to restrict the use of this access for these purposes only. The design of the new site access along with the additional features such as the new pavement and bus stop will ensure safe access is provided to development proposals and existing traffic flows are not disrupted.

Accessibility

- 6.40 The site is located around 3 kilometres from the city centre and the bus and train stations. PPG13 advises that walking distances of up to 2km and cycling for up to 5km are most likely to substitute for car trips whilst other guidance stipulates that bus stops should ideally be located within 400 metres of a development.
- 6.41 The development will accommodate new pedestrian and cycle links through the site to connect into existing cycleways on Hampton Park Road and Holywell Gutter Lane. To further enhance these linkages it will be appropriate for Holywell Gutter Lane to be upgraded to a hard surface walkway/cycleway in the event the development is approved. There is also

presently an hourly bus service running past the site serving outlying villages in the area. The new bus stop will capture eastbound journeys whilst existing bus stops within 500 metres west of the site will fulfil the westbound trips. This will be subject to additional off highway pedestrian/cycles links to one or both of these bus stops being provided if the development is approved.

- 6.42 Whilst several local amenities exist within 2km of the site including local schools and sustainable transport options to access the site will be provided, it is likely that the majority of trips to and from the site will be car based due to the distance to the city centre and employment areas and the nature of club membership being city wide.
- 6.43 To try and influence travel behaviour, the applicants have also provided a Framework Travel Plan which seeks to promote sustainable travel options. Whilst the Travel Plan indicates the applicants commitment to encouraging modal shift, it makes no commitments as to what targets will be set or what actual measures will be proposed. To have the desired effect of reducing car borne travel to and from the site, a 15% reduction in single car occupancy travel based on data from the Traffic Assessment and Census data should be set if planning permission is approved. In addition, a financial contribution will also be required to fund a Travel Plan Steering Group and Travel Plan co-ordinator in order to implement a range of further measures and monitor compliance. Separate Travel Plans may also be required for the sports development and housing development. The objective being for a robust Travel Plan to be in place that is specific, measurable, achievable, time bound and realistic.
- 6.44 In summary, the traffic impacts will not be significant and whilst the site cannot be regarded as highly sustainable due to its location on the edge of the city, sufficient sustainable travel measures and new infrastructure is proposed or can be required to make the site more accessible by non car based modes of transport. The traffic, access and accessibility considerations are therefore considered acceptable in accordance with policy T8 in particular of the UDP.

Landscape and Visual Impact

Landscape Character

- 6.45 One of the key considerations with any greenfield development of this nature is the landscape and visual impacts. This analysis is more sensitive in this instance as the site is in open countryside and has not previously been deemed suitable for development through the normal Development Plan process.
- 6.46 The application is supported by a Landscape and Visual Impact Assessment which was carried out in January 2009 before the vegetation was in leaf to represent a worse case scenario. This has been updated this year to reflect the amended proposals and recent tree removal works. Based upon this information, the Environmental Statement then considers the visual impacts of the development and effects on landscape character rating the impacts from highly beneficial to highly adverse. This rating is also based on the sensitivity of the landscape and the visual receptors to change along with consideration of other less tangible issues such as remoteness, tranquility and disturbance. Mitigation measures are also considered to avoid or reduce the landscape and visual effects.
- 6.47 The site is primarily made up of commercial orchard, planted post the 1930s with a belt of mixed coppice broadleaved woodland running west to east primarily through the centre of the site. There is a significant change in topography across the site with there being a difference of 21 metres from the highest point on the northern boundary to the road level to the south. Whilst the Environmental Statement includes a detailed analysis of the landscape within and around the site, it is considered that the Councils Herefordshire Urban Fringe Sensitivity Analysis report successfully captures the site landscape type summarising it as:

“The appearance of this zone is important because of its location at the gateway into the city. The Bush Orchard and the south facing hill create a strong rural character and sense of local distinctiveness. Holywell Gutter Lane contributes to the rural and historic character of this area. This is an historic route which marks the city boundary. Much of the rural character of this narrow, partially sunken lane has been retained”.

- 6.48 Whilst it is acknowledged that the regimented layout of the commercial bush orchard is different in character to that of traditional orchards evident throughout the County, they are nevertheless an important landscape feature which provides distinctiveness to the County as a whole and this site in particular. The unmanaged woodland belt that runs through the centre of the site further contributes to the diversity of the sites landscape character that in combination with the orchard, is not evident else around the city. As the development necessitates the removal of around 40 % of the existing orchard, this in itself will mean that the distinctive character of this area will be adversely eroded.

Visual Impacts

- 6.49 In terms of the visual context, whilst it is accepted that there are no panoramic views of the site from the public vantage points in the immediate and wider area due to the existing built form and intervening vegetation, the development will nonetheless be clearly visible both from the north and east such as from Tidnor lane, Lugwardine, albeit viewed against the backdrop of the city. There are also longer distance views both to and from the Wye Valley AONB which will become considerably more exposed once the orchard trees are removed. Even from longer distance views where much of the site may not be visible, the pitch floodlighting in particular will be very prominent at a height of 18 metres and positioned on the higher ground. The housing is also proposed on rising ground and on the highest part of the application site area causing this to also be particularly prominent. Whilst the Environmental Statement acknowledges that some of these impacts are likely to be adverse, it is considered that several of the effects have been somewhat downplayed such as the impacts from Hampton Park Road for both vehicles and residents.
- 6.50 The landscape and visual effects of the development are somewhat tempered by the mitigation strategy which has been enhanced through the amended proposals. In particular, additional areas of orchard are to now being retained south east and west of the Rugby Club facilities on the higher level which will assist in softening the visual impacts of these facilities. The retained native tree belt will minimise the transition between the lower and higher levels along with other key landscape features such as the native boundary hedgerows and the ponds. The peripheral landscaping around the housing area will also provide a green edge to this development creating new green infrastructure links enhanced through the removal of the Leylandii trees. Further mitigation could be achieved by condition such as retention of existing orchard trees and planting a native hedge along the roadside.
- 6.51 The ES also considers the landscape and visual effects of the development during construction. A construction site of this scale on an undulating site is inevitably going to have a significant adverse landscape impact during the construction phase and the ES acknowledges this to some extent.
- 6.52 The amended information also includes an updated Landscape and Visual Assessment prepared due to the removal of trees and vegetation on the site in the early part of this year. Whilst the effect of these works on biodiversity of the site has been adverse it is accepted that the landscape impacts of the removal of trees is negligible largely as the majority of the trees that have been removed are Leylandii.
- 6.53 The scale of the development and extent of intrusion eastwards beyond the city boundary into open countryside is in itself considered significant. This impact is compounded by the existence of Holywell Gutter Lane which provides a clear transition between the city and

countryside. Whilst the historic rural setting of the lane has been compromised with more modern housing developments over the last 30 years or so and non native planting, it still retains a distinctive rural character.

- 6.54 The proposed development necessitating the removal of extensive orchard alongside the scale of the engineering works and re-profiling of the land and proposed large scale buildings, floodlights and goal posts all predominantly at high level and the housing which is contextually, relatively dense will result in a high magnitude of change. The possible new planting will take years to mature and even with retained orchard and woodland, will not be sufficient to mitigate the adverse impact of this change.
- 6.55 The residual landscape and visual effects of the development are therefore considered to be long term moderately adverse. To qualify this, using the terminology within the Environmental Statement, this is defined as:
'The development would cause substantial loss or alteration to one or more key elements of landscape to include the introduction of elements that are prominent but may not be substantially uncharacteristic with the surrounding landscape. The development would be visually intrusive and would adversely effect upon the landscape.'
- 6.56 On the basis of this conclusion, the landscape and visual impacts of the development are considered to be contrary to the requirements of UDP policy LA2.

Flood Risk, Drainage and Ground Water

Flood Risk

- 6.57 The application is supported by a detailed Flood Risk Assessment and hydrological issues are also considered in the ES. The majority of the site falls within Flood Zone 1 which is classed as having a low probability of fluvial flooding. The southern lower lying land adjacent Hampton Park Road falls within Flood Zone 3 which is classed as having a high probability of fluvial flooding. The Council's Strategic Flood Risk Assessment identifies that much of the application site may benefit from the flood protection associated with the Stank Flood Defences which protect Hampton Bishop village. However the Stank has been breached most notably in 2007 and therefore cannot be relied upon for complete flood protection and particularly for a 1 in 100 year plus climate change flood event. The primary source of potential flooding for the lower part of the site is the River Wye to the south of the site although a small part of the site also lies within the catchment area for the River Lugg, north east of the site. Objectors have also commented on more localised flooding incidencies of Hampton Park Road and adjacent properties in part due to local highway drains and ditch network failing to contain heavy rainfall.
- 6.58 Planning Policy Statement 25 classifies different types of development in terms of flood vulnerability and the process for considering such development within different flood zones. The majority of the development is within flood zone 1 which is therefore acceptable in principle, in terms of the requirements of PPS25. The revised plans now propose 4 pitches along with allotments within Flood Zone 3. Sequentially, it has been concluded that there are other more appropriate sites that do not fall within a flood zone. In addition, one of the primary reasons for the club wishing to relocate is that their existing site is susceptible to flooding on an annual frequency. On the face of it, locating new pitches within Flood Zone 3 somewhat weakens this argument. The risk of these areas flooding from fluvial sources is relatively low and considerably more infrequent than is the case at their existing site. Anecdotally, the Council has also has no evidence that the fields in question have flooded. Furthermore, sports pitches and allotments are classed as water compatible development within PPS25 which is permitted within flood zone 3 and the proposals will also not result in the loss of any flood storage area and can be accommodated with minimal changes in levels.

- 6.59 The proposed new vehicular access position also falls within Flood Zone 3 and therefore this would not provide a dry entry or exit to the site in times of extreme of flood. To address this, a secondary emergency access is proposed for the housing and rugby developments on Holywell Gutter Lane. The principles of the development and general layout therefore accords with the requirements of UDP policy DR7 and guidance within Planning Policy Statement 25 in terms of flood risk.

Drainage

- 6.60 Drainage can be broken down into foul and surface water drainage. Welsh Water initially objected to the development due to inadequate capacity within the public foul drainage network. To overcome this the applicants are proposing a new public sewer, initially in the form of a rising main to the nearest point of where capacity exists which is around 1200 metres west of the site close to the junction of Burrows Court with Eign Road. This would also necessitate the construction of a pumping station within the site. Welsh Water also now confirm that sufficient capacity to accommodate the development exists within the sewage treatment works due to upgrades carried out last year. Wider water quality issues associated with the River Wye and its tributaries exist which are considered within the biodiversity section of this report. If approved, a condition will be imposed requiring this connection to be in place prior to first use or occupation of any part of the development.
- 6.61 The need to sustainably manage surface water drainage to existing greenfield rates is a key requirement of the development both in order to meet policy guidance but also to ensure there is no increased flood risk for local residents that have suffered major flooding in recent years.
- 6.62 To achieve this and possibly even provide betterment in surface water management of the site, an infiltration basin with an overall cubic capacity of 3512 cubic metres is proposed to serve the housing development. This is designed to accommodate a 1 in 100 plus 30% allowance for climate change drainage situation and includes a 300mm freeboard capacity. It has also been designed on a worse case scenario on the basis that 30% of the gross housing area will be impermeable surface whereas in reality, it is likely to be less than this. Percolation tests were also carried out in this area to confirm the porosity of the ground up to a depth of 2 metres. This revealed that the ground in these particular areas is very clayey and consequently, the speed of soakaway is relatively slow. It is therefore likely that a more extensive soakaway drainage network within the development site itself will be required to compensate for the potentially poor porosity of the soil. This is likely to take the form of a permeable surfaces and rainwater harvesting.
- 6.63 The amended plans also introduce allotments which sit at a lower level to the infiltration basin. The opportunity therefore exists for water contained within the infiltration basin to be used to irrigate the allotments. The infiltration basin emergency overflow is to be channelled towards the allotments to ensure properties immediately south of the basin are protected from any flood occurrence. These drainage proposals accord with the requirements of UDP policy DR4.
- 6.64 The Rugby Club is to be managed through an independent surface water soakaway system. This will be a combination of permeable surfaces for the car park and pitches and rainwater harvesting either to a further smaller water catchment pond or underground tank to serve the indoor training and clubhouse buildings. No soakaway tests have been carried out in the locality of the Rugby Club facilities and therefore the capacity for soakaway systems in this area is unknown.

Ground Water

- 6.65 The development may also have an impact on the quality of ground water particularly arising from potential pollution incidences associated with leaks and spillages of hazardous substances into soakaway systems. These risks can largely be mitigated associated with the

housing development through the introduction of oil and grease interceptors from impermeable surfaces such as roads and parking areas. Where permeable surfaces are proposed such as the car park for the rugby club, there may be high risk of pollution which could affect the biodiversity value of the ponds to the south and therefore if the application is approved, this design would have to be reviewed.

- 6.66 The development could also affect the ground water recharge capacity of the site and surrounding area but there is no evidence to indicate that this will cause localised problems and the water supply to the existing ponds can be maintained through the clean soakaway systems associated with the Rugby Club. The environmental impacts of the development on ground water quality and capacity would therefore be minor and where issues could occur, the risks can be successfully mitigated. The risks may be higher through the construction phase but this could be controlled through a construction and environmental management plan.
- 6.67 The flood risk impacts on the development are considered to be low and subject to the implementation of site wide sustainable drainage measures, there will be no increased flood risk to other properties in the area once the development is complete. The construction phase drainage impacts could be mitigated by requiring the infiltration ponds to be in place at an early stage of the construction operations. These conclusions are supported by the Environment Agency who raise no objection to the development on flood risk and drainage grounds, subject to appropriate conditions.

Biodiversity

- 6.68 An extended Phase 1 Habitat Survey of the site was carried out in May 2009. This was followed up in May and September 2009 by species specific surveys of badgers, bats, breeding birds and great crested newts. Further site surveys were carried out in January and February 2011 following scrub clearance and earthworks carried out on site in January 2011. The Environmental Statement then evaluates the ecological resources, predicts the likely ecological impacts of the development and the need for any mitigation or compensation. Regard has also been had to ecological resources near to the site and particularly those with statutory designation, namely the River Wye which is a Special Area of Conservation and Site of Special Scientific Interest and the Site of Importance for Nature Conservation immediately west of the site. As with other topics within the ES, the magnitude of the ecological impacts are graded from substantial beneficial to substantial adverse.
- 6.69 The Environmental Statement confirms that the existing orchard provides habitat for a number of common birds species and foraging habitat for bats but is intensively managed through regular pesticide spraying and mowing. The woodland belt within the site is a man made plantation with a sparse understorey and species poor ground flora but provides an important movement corridor for species connectivity across the site. Ponds within these woodlands are also man made with little marginal vegetation and chemical residue is evident on the aquatic vegetation. The ponds nevertheless have a local value as they provide connectivity for invertebrate species and habitat for great crested newts. Other habitats such as hedgerows and scrub are again currently species poor and generally intensively managed.
- 6.70 In terms of fauna, there are presently two large badger setts on site, one along the northern boundary of the orchard and the other within the woodland belt. At the time of the application submission, a bat roost was recorded within the tree along the south edge of the woodland belt but this has now been lost as a result of the tree filling works carried out in January of this year. The Council immediately gathered evidence regarding this matter and reported it both to the police and Natural England. The matter is still being considered by the police. Across the site as a whole six bat species were recorded but activity was generally low with no seasonal difference and great crested newts were recorded within two of the ponds on site including breeding within one. The updated survey confirms that the newt habitat was severely damaged in January this year and that killing and injury of newts was likely to have occurred

although there is still likely to be a newt population present on site. A level of bird activity was generally recorded as low which is due to the way the site is currently intensively managed.

- 6.71 The orchard is a Biodiversity Action Plan habitat and the amended proposal now results in the loss of around 40% of the existing orchard (previously 45% was to be removed). This in its own right will have an adverse impact on the ecological value of the site. However the proposals include an Ecological Management Plan to secure the retention of the remaining orchard amounting to around 26 hectares. It is proposed that the use of pesticides will cease and the orchard will be farmed organically which in the medium to long term, will mean it will be able to support a more diverse natural ground flora and species mix.
- 6.72 The works carried out in January 2011 severely damaged the central broadleaved woodland belt but the amended proposals include the possible enlargement of this native woodland. This would include further new planting around the infiltration basin to elongate the wildlife corridor. There is also scope to design the drainage basin for biodiversity value by splitting this into two ponds, each with shallow gradients and a maximum water depth of a metre. The existing ponds would also be protected through the Ecological Management Plan and through organic farming practices the ecological value of their habitat could be enhanced. The proposals also include details to strengthen the existing native hedgerows to the north and west and the amended proposals introduce allotments which could further add to the biodiversity richness of the site.
- 6.73 The management of the site using more traditional practices will, in the medium to long term increase its value for the protected and other species within the site and locality. For example, newt habitat will be increased through the construction of a new infiltration basin and enhanced planting around the existing ponds. Newt mitigation also includes an underpass under the main road to mitigate against any newt mortality. The existing ponds will also be cleaned out of leaf litter and encourage marginal vegetation. In terms of bats, existing foraging areas will be enhanced and new foraging habitats created along with new roost opportunities provided through the provision of bat and bird boxes at the bat house. The proposed floodlights will cause some peripheral illumination of the broadleaved woodland which is where the main bat activity is although sufficient areas would be unaffected to maintain a dark wildlife corridor for bats. The development will have no direct impact on the badger setts but will be relatively close and therefore a license from Natural England may be required for some of the works, as will also be the case with newts.
- 6.74 The construction impacts of the development will be more significant and likely to be adverse for the duration of the works. This is primarily due to the clearance of the orchard and the engineering operations but also the general activity within the site and the around the bat, newt and badger habitats. These impacts can be mitigated to some extent through a Construction Ecological Management Plan and working method statements. This would require the retained habitat to be robustly fenced off to protect it during the construction operation, the adoption of pollution prevention measures whilst ensuring that site clearance takes place during the appropriate season.
- 6.75 Under the Conservation of Habitats and Species Regulations 2010, the likely significant effect of the development on the River Wye Special Area of Conservation must also be considered. In this regard, Natural England originally objected to the application as inadequate information had been provided to assess the impacts of the development on the River Wye. Further information regarding the capacity of the foul treatment works to accommodate foul flows from the development and any associated impact on water quality within the River Wye along with further details on pollution prevention and potential surface water run-off has now been provided and Natural England's further comments are awaited. An update on this matter will be provided at Committee

- 6.76 Notwithstanding the ecological mitigation and compensation proposed, it is considered the development will have an adverse impact on biodiversity at least in the short term due to the removal of the significant areas of orchard and the general increase in pedestrian and vehicular activity within the site. The habitat loss was exacerbated earlier this year when some clearance works were undertaken although this is not, in itself, considered to be sufficiently harmful to warrant refusal of the application due to the mitigation and enhancement proposals. The amended Master Plan also reduces the scale of the green infrastructure corridors particularly through the housing development although this could be rectified through the detailed design process. It is however accepted that any residual ecological impacts can be adequately mitigated and compensated in the medium to long term (5 – 15 years) with implementation of all the measures proposed within the Draft Ecological Management Plan. On balance, the biodiversity impacts of the development are therefore not considered sufficiently harmful to warrant refusal of the development for this reason.

Viability

- 6.77 The application is in the format of an enabling development. What this means is that the increase in the value of the land generated by the residential permission will effectively fund the Rugby Club facilities. To support this position a detailed Viability Report has been provided and subsequently updated to reflect the amended proposal and comments made by Council Officers. The original appraisal considered four development scenarios of 160, 170, 180 and 190 residential units each with 35% affordable housing and the same tenure mix. It should be noted that no land costs have been factored in as the land is being gifted to the club for a £1.
- 6.78 The Viability Appraisal calculates the development costs associated with both the housing and rugby club elements of the scheme. For example, for the rugby facilities, this includes the construction of the training building and clubhouse including the fitting out of the clubhouse internally, pitch construction and ancillary costs such as security fencing and exterior lighting. For both developments, additional infrastructure costs have then been calculated such as earthworks, drainage, site clearance and roads as well as off-site development costs such as new foul drainage infrastructure. The original 2010 property values provided by Flint and Cook have been updated to reflect the different size of units being proposed and current market conditions. In terms of the affordable housing, the is split between social rent and shared ownership and the likely values offered by the Registered Social Landlord for each affordable unit has been factored in. Finally, add on costs have been included such as consultant fees, future planning application fees, Section 106 contributions and development finance costs.
- 6.79 The Viability Assessment has been updated to reflect the requested change in affordable and general market housing mix, the change in the design of the indoor training building and change in Section 106 contributions. The size of the housing units and predicted values has also been updated and some of the abnormal costs that were not felt to be appropriate to be included have been removed.
- 6.80 There are some anomalies with the amended Viability Report. For example, although the cost of the indoor training facility has been reduced due to the change in design, it appears to remain relatively high given that the construction is now of the standard agricultural design and no reduction in the extent of cut and fill required for the rugby pitches has been accounted for in the revised infrastructure costs. In terms of the housing, the floor space of some of the smaller units has significantly increased which in turn increases their value whilst the affordable tenure has now been changed to affordable rent as opposed to shared ownership which again attracts a higher value. However, it is also recognised that the requested change in mix of housing to introduce less four and five bedroom units does have a material impact on the general market housing development returns.

- 6.81 The Viability Assessment has not been independently verified but some of the development assumptions have been analysed to confirm their accuracy, particularly in relation to the housing development. The amended Viability Assessment based on the amended development proposals result a scheme deficit of £580,229 as opposed to a profit of £86,872 with the original viability assessment. The principle change arises from a total reduction in the market housing floor space of 27122 sq ft. This deficit is being absorbed by the housing developer (Bloor Homes) through accepting a reduced developer return of 14.45%. This compares with a return of 16.2% in the original study which is broadly in line with the nationally accepted national average.
- 6.82 If light of some of the possible development costs anomalies highlighted above, it is considered that the actual deficit would be considerably less than that stated. Moreover, given the format of the development as an enabling development and the applicants request that this is regarded as an exception to normal planning policy, it is questionable whether the standards developer returns are reasonable and appropriate in this instance. Nevertheless, the Viability Assessment provided is a comprehensive analysis of the development costs and returns. It is accepted that 190 units is broadly what is required to fund the proposed rugby club facilities.

The Development Proposals

- 6.83 The proposed scheme is effectively divided into two distinct zones - a residential area to the west of the site and rugby club facilities to the east of the site. The only common element will be a shared access to both developments which will be constructed to adoptable standards in terms of its width, radius, pavements on each side and so on. The access road has a more informal alignment which is considered more appropriate given the rural setting of the site. At around 120 metres into the site, the road then branches off to serve both development areas.

The Housing

- 6.84 The housing area is accompanied by an illustrative masterplan and design code which identifies ten developments cells served by a central road network. The amended plans include changes to the possible spine road and the development areas. Notably, housing now extends further west and south west closer to Holywell Gutter Lane and Hampton Park Road. A five metre buffer has also been introduced along the boundary with the Martha Trust site. These changes will ensure that the housing development is better integrated with the city whilst still retaining a green edge respecting the rural character of Holywell Gutter Lane. Given the sensitive nature of the Martha Trust Special Care Development, the introduction of a green buffer along this boundary is welcomed.
- 6.85 The eastern boundary of the residential cell areas fall within the highest land within the application site. It was requested that these areas follow the existing natural contours rather than cutting directly across them which would create a more organic edge to the development and minimise the extent of development on the higher ground. This advice has not been taken on board which is disappointing. The advice to delete the two-and-a-half storey units from the development has however been taken on board and the scale of dwellings will now reflect the height of dwellings in the locality and the rural location of the site. The density mix has also been changed largely in line with advice offered, namely introducing medium density 36-40 dwelling per hectare adjacent the existing boundary, high density of 41-45 dwellings centrally within the site and lowest density of 30-35 dwelling per hectare within the northern area on the higher ground where the dwellings are likely to be most prominent due to the elevated nature of the site. This density mix is relatively high for the context of the site but given that the mix of housing has been changed to a higher number of two and three bedroom units, it will not be excessive and will still allow for appropriate landscaping, green infrastructure and amenity standards to be achieved.

- 6.86 An area of informal public open space to serve the residential development has now also been introduced relatively centrally and additional footpaths and cycleways added. The other notable change is the safeguarded outer relief road corridor through the site. Whilst this has not been specifically requested as the Council's preferred option remains for a western relief road, it would safeguard the deliverability of road corridor through the site. The road corridor would, in the interim, provide an opportunity for additional green infrastructure and further informal public open space and landscaping. This corridor would need to be safeguarded within a Section 106 Agreement.
- 6.87 The Master Plan illustrates that subject to possible further revisions particularly to the eastern boundary as described above, an acceptable housing development could be achieved. Further definition to this development is proposed within a Design Code. If the application is approved, this would define the development parameters for both the housing and Rugby Club developments. The residential element of the Design Code is relatively standard for modern housing developments in terms of general layouts, building lines, amenity requirements, permeability and design. It is considered that if the application is approved, the Design Code could be refined prior to any decision being issued to create more site specific requirements for the development to follow.
- 6.88 In terms of design, there is no particular prevalent local vernacular and therefore the site offers the opportunity to introduce more contemporary design options to create a stronger and unique development identity. The updated Design Code accommodates this stipulation. The residential development is also proposed to meet Code Level 3 of the Code for Sustainable Homes. This is disappointing particularly as Code Level 3 is now the same as Building Regulations requirements in terms of energy standards. The applicants have advised that to achieve Code Level 4 (which may become mandatory by 2013) would make the development unviable. No detailed evidence has been provided to support this but it is acknowledged that this would undoubtedly add to the development costs without a commensurate increase in house values.

The Rugby Facilities

- 6.89 The internal shared access road branches eastwards to serve the Rugby Club facilities, the configuration of which has been amended during the course of the application. This is to comprise of a hard surfaced car parking area with the capacity for 250 cars and 6 coaches, an indoor training facility measuring 60 metres by 40 metres by 9 metres in height, attached to which is the club house measuring 40 metres by 40 metres by 5.4 metres in height. The club house incorporates a covered 300 capacity spectator stand which overlooks the first team pitch immediately to the north.
- 6.90 The car park is extensive and no effort has been made to work with the site contours or landscape character. Whilst it will be partly screened behind the existing central tree belt, to minimise the extent of cut and fill, the car park could be a more organic shape and terraced to better assimilate with the topography. The Rugby Club car park and general area is to be connected with the residential development and city by a new pedestrian/cycle way.
- 6.91 Concerns were expressed regarding the design, in particular, of the indoor training facility in that the form and materials were entirely alien to the rural landscape character of the area. The Design Statement now includes images of what is effectively an agricultural building e.g. steel portal frame with matt fibre cement corrugated sheeted roof and timber cladded exterior. Whilst the detail of this and the clubhouse will require refinement as the juxtaposition of the two buildings remain a little awkward, adopting this design principle is considered to be a more appropriate solution and respectful of the rural context of the site. The majority of these are also likely to be visible from both the south and north east and therefore the need to achieve an acceptable design solution is paramount. The design of the buildings are to be to a

BREEAM rating of 'Very Good'. Part of the measures will include the use of ground source heat pump for heating and underground storage tanks for rainwater harvesting to use for irrigating the pitches. The use of solar panels should also be considered particularly given the current feed-in tariffs available.

- 6.92 North and east of the club house and indoor training facility are the 1st and 2nd Team pitches and the 3G (all weather) pitch. All three of these pitches are proposed to be floodlit with ten 18 metre high floodlighting columns. Levels drop by more than 7 metres from the north west corner of the proposed 1st Team pitch to the south east corner of the all weather pitch within this area. Consequently significant cut and fill engineering operations are required to accommodate the pitches. This is to be designed to avoid any retaining walls which is welcomed but the existing natural landform within this area will be significantly and unnaturally altered. The pitches will be partially screened by existing retained trees but will still be visible. The floodlights and to a lesser extent, the goal posts at a height of 12 metres will also be very visible within the immediate and surrounding area. It is however accepted that if approved, there is no other configuration of pitches that have a reduced visual impact.
- 6.93 The amended layout now relocates two of the pitches from the higher to lower land adjacent to Hampton Park Road. This has the effect of creating a slightly more compact development in terms of the extent to which the development encroaches eastwards into the existing orchard on the higher ground. The configuration of the pitches on the lower land appears to be the most efficient use of this area. None of these pitches are likely to be floodlit although they will be visible from the roadside and existing properties within the area. This visibility could be mitigated to some extent with the retention of orchard trees along the frontage with the roadside and east and west of the pitches. Due to the scale of the run-off areas incorporated within the layout, the applicants advise that no fencing or netting will be required along the roadside. The land in this area is also relatively flat and therefore the level of earthworks will be minimal which is important given the location of this area within Flood Zone 3. It is considered this arrangement of pitches is more appropriate in terms of reducing the visual impacts of the development and consolidating of the site area.
- 6.94 Finally, as requested, the applicants have introduced an allotment area measuring 90 metres by 52 metres immediately east of the proposed access into the site as there is a general shortage of allotments across the city. The location is well connected to the remainder of the development and also is the least conspicuous part of the site. The visibility can be further mitigated by retaining orchard trees along the roadside frontage.
- 6.95 The majority of the suggested changes to the design and layout of the overall development have been taken on board. Whilst these do not overcome the fundamental objections explained earlier, if approved, they would facilitate what is considered to be the most appropriate layout and design solution for this particular site in accordance with the requirements of policies DR1 and H13 of the UDP. This would be subject to the other changes detailed above being accommodated within the masterplan and design code.

Sporting Need and Community Use

- 6.96 The need for the club to re-locate at some stage in the future has already been accepted. However, the strategic need for the full range of the requested facilities both associated with rugby and other sports also needs to be considered. The applicants are seeking to develop a RFU Model Venue 2 facility which sets minimum requirements such as two to three match pitches, additional training pitches, rugby changing rooms, catering facilities, function rooms and a spectator seating. Notably, however it does not require a 3G all weather pitch nor does it specify the number of pitches proposed as part of this development.
- 6.97 The RFU have confirmed that they consider Hereford Rugby Club to be a Model Venue 2 Club and that their current facilities are significantly beneath those needed by a club at this level.

The club currently runs 16 teams from their existing site which with the addition of the temporary use of the adjoining land owned by the Rowing Club equates to 2.6 teams per pitch. This is not a particularly sustainable situation particularly when training requirements are also factored in. The rugby season also runs parallel with the football season and therefore the availability to play matches on other grass pitches within the city and outlying areas particularly on the weekends when most games take place is limited.

- 6.98 The Hereford and Worcester Sports Facilities Framework 2010 to 2026 report also identifies the need for a better network of rugby pitches to cater for all age groups and high quality facilities which meet the needs of the game and future County population growth. This document states that it may be necessary to plan for an extra Rugby Club site close to or within one of the strategic urban extensions. This situation is now accepted by the Council and will be reflected in forthcoming draft playing pitch strategy. The Development of the range of pitches proposed may therefore meet a sub-regional and regional rugby need.
- 6.99 The rugby and wider sporting need for the indoor training facility and 3G pitch is less robust. The applicants consider that there should not need be the requirement to justify the need for the indoor training facility as the nature and design of the facility will not compete with any other facilities within the city or county. Sport England guidance states that an indoor training facility with a macadam surface as is proposed is not suitable for football or contact rugby but could be suitable for tennis, mini-tennis, netball and basketball. In response to this, the applicant advise that a macadam surface is suitable for their needs which is primarily indoor fitness training and touch rugby. It will also be suitable for netball and Hereford Netball League have confirmed their interest in utilising the building as a base as they presently have difficulty in accessing sufficient courts. Notwithstanding the design and restricted sporting use of this facility, it is considered it would compete with other indoor sports halls and the need has not been proven.
- 6.100 A similar situation exists with the 3G pitch. The benefits of having this pitch for the club is understood in that it will reduce the pressure and maintenance costs on the grass pitches particularly during inclement weather. However, it is not considered essential to the clubs needs and is not a site specific requirement of the RFU. Furthermore, the existing provision of such pitches is largely meeting demand other than during peak time usage primarily associated with football. Other 3G pitches associated with local schools within the city are also at the design stage and these will further meet any residual need particularly if usage agreements are established with local football clubs.
- 6.101 Therefore, beyond the Rugby Club's desire to take advantage of the enabling development opportunity to secure the full range of facilities proposed, the strategic sporting need for both the indoor training facility and 3G pitch appears questionable. Nevertheless, there are several time slots both during and outside the season when the pitches and facilities are not being used by club. The strongest interest appears to be from Herefordshire County Netball Association who, in combination with other local netball clubs such as Hereford Netball League and Westside Netball Club wish to use the indoor training facility Monday to Thursday throughout the year. A more detailed timetabling schedule has been provided with the amended information which appears to facilitate this albeit they would need to fit in with the playing and use requirements of the club. The 3G pitch would also be available for football usage possibly by two local clubs which do not currently have a base - Junior Dynamo's and FC Phoenix. Usage by these clubs would also need to be accommodated around the club's requirements which would be weather dependent. The pitches could also be used in the summer by the local rounders league and day time usage would be available to local schools.
- 6.102 The club house would also have facilities available for hire including meeting rooms and a social area for functions potentially throughout the year. More widespread use of the facilities would also provide a revenue stream for the club to assist with the ongoing management and maintenance of the facilities.

- 6.103 Wider community sporting use is therefore possible but the primary use of the site would remain for rugby and any other sports would have to fit in with the Rugby Club's schedule and weather influenced requirements. This may create a problem in achieving a long term commitment from a particular sport such a netball who will require more certainty over the use of the facilities throughout the season. Open public access to the facilities will also not be available as the club facilities are to be entirely fenced off for security and spectator revenue reasons.
- 6.104 The need for the club to relocate and the strategic requirements for more and better quality rugby facilities to fulfil current and future demand is accepted. The essential need of the indoor training facility and 3G pitch is less clear and the opportunity for other sporting use will be limited to specific sports outside of the rugby usage with no public access to the facilities. The development is therefore not considered to be a genuine community sports hub as is explained by the applicants. Nevertheless, other sporting use will be possible and neither Sport England nor the Councils Sport Development Officer and Principal Leisure Services Officers object to the proposals on the grounds of rugby or sporting need or the potential impact on existing facilities. In view of this, the need for all the sports facilities is accepted as required by UDP policy RST10. If approved, this is subject to a full community use agreement being finalised and incorporated into the Section 106 Agreement to provide greater certainty of a more widespread sporting use of the site.

Housing Need

- 6.105 Planning Policy Statement 3 concerning housing requires that local planning authorities *deliver a flexible and responsive supply of housing land and sufficient quantity of housing taking into account needs and demands for the area*. Policy S3 of the UDP sets housing delivery targets for both allocated housing land and windfall developments. The Strategic Housing allocations across the county are defined within Policy H2. For the period 2007 to 2011, the UDP identifies a target of 2400 dwellings in total at a build rate of 600 dwellings per year. This build rate target matches exactly that required by the adopted Regional Spatial Strategy for the West Midlands (RSS) which sets a target for Herefordshire between 2011 and 2021 of 600 dwellings per annum (minus a demolition allowance of 40 units per annum).
- 6.106 Members will be aware that the Government has announced its intention to abolish all RSS's through the Localism Bill. Although this Bill is at a relatively advanced stage of preparation, it is not yet passed. There have been several court challenges to this decision culminating in a Court of Appeal decision in May of this year which provided some clarity to the status of regional plans. This decision concluded that although the Government's intention to abolish can be a material planning consideration in the Development Control process, it cannot be material in the planning making process. Point 24 of the ruling stated: *"it would be unlawful for a local planning authority preparing or a Planning Inspector examining Development Plan documents to have regard to the proposal to abolish Regional Strategy. For so long as the Regional Strategies continue to exist, any Development Plan documents must be in general conformity with the relevant strategy"*. Prior to this in March 2010, the Government Office for the West Midlands issued a letter confirming that the relevant RSS is the adopted RSS rather than the Revised Options RSS. The notable difference being that the revised RSS sets higher housing delivery requirements for the County. Therefore, the housing build rates set out within both the UDP and adopted RSS are the requirements that must be met.
- 6.107 Paragraph of Planning Policy Statement 3 requires local planning authorities to demonstrate that they have a five year rolling supply of housing land. The Council is required to annually review this supply through its Strategic Housing Land Availability Assessment Review. The required land supply incorporates land allocated within the UDP without planning permission, sites with planning permission but not yet commenced and sites under construction. The council's current five year land supply as of July 2011 is 2815 with the adopted RSS

requirement being 2910. The requirements of Planning Policy Statement 3 are therefore satisfied albeit by a marginal amount. It should also be noted that the uncommenced permissions figures includes an allowance of 5% for lapsed permissions and 8% for superseded permissions.

- 6.108 The Council has recently agreed the principles of the consultation programme for a revised Core Strategy housing options consultation. These propose a reduction in housing numbers for the city and an increase for rural areas with a total reduction in housing numbers by 1500 and a revised plan period to 2011-2031. Even the reduced housing proposals represent a higher housing target delivery rate than is currently set out within the RSS equating to 825 units per year. The programme for the Core Strategy, subject to acceptance of the final options following further consultation will be submission for examination in public in late Summer/Autumn next year with a view to adoption in Spring 2013.
- 6.109 The likely programme for abolishing the RSS and passing of the Localism Bill is Spring 2012. In addition, the Government has recently published for consultation a new National Planning Policy Framework which will replace all existing national policy guidance. Noteworthy amongst the draft proposals is the requirement for planning authorities to demonstrate a five year housing land supply plus 20%. This document along with the Localism Bill also has a heavy presumption in favour of sustainable development. Due to the early stages in the preparation of both the Core Strategy and the National Planning Policy Framework, it is not considered that either documents should be given significant weight in the assessment of the application at this stage. As these documents get nearer adoption and the Localism Bill is passed abolishing the RSS, the Council may be required to consider additional housing land in advance of the Core Strategy becoming a material planning consideration. However, to account for this potential at this stage is considered premature and could also set a dangerous precedent for other greenfield housing proposals coming forward.
- 6.110 The situation with regards to affordable housing is very different. Based on the latest Home Point Affordable Housing waiting list data, demand continues to outstrip supply within the city and this pattern has remained the case for several years. The site falls within Hampton Bishop Parish where the affordable requirements are considerably lower. However, it is acknowledged that the housing needs of the eastern part of the city will be equally as relevant given the location of the site. Cumulatively, the local affordable housing need remains considerable.
- 6.111 In line with Policy H9 of the UDP, the development proposes 35% affordable housing (67 units) and the applicants have agreed to amend the dwelling and tenure mix to more accurately reflect local requirements. The proposal is for 50/50 split between social rent and shared ownership. Whilst this tenure split does not meet the priority need which remains for social rent, a compromise has been negotiated in recognition of the enabling format of the development. The delivery of this windfall affordable housing without any grant funding is therefore welcomed. The general market housing is, however, not currently required to fulfil the national requirement set out in Planning Policy Statement 3. Given the very marginal land supply excess that exists, it is not considered that this issue in itself warrants refusal of the application.

Heritage Assets

Conservation Area

- 6.112 The Heritage Assets of relevance to the consideration of this development are the conservation area in the south west corner of the site, archaeological considerations and the impact on the setting of local listed buildings and nearby Scheduled Ancient Monument.
- 6.113 The amended proposals extend the residential development area westwards and southwards into Hampton Park Conservation Area. This Conservation Area was designated in 1969 and

its boundaries have not been changed since this time although the area was re-appraised by the Council in 2006. Since designation, a number of housing developments have taken place within the conservation area including the adjoining residential estates west of the site. Consequently, the Conservation Area has a distinctly different character and appearance to that which would have existed when first designated. However, the primary features of the wider Conservation Area character remain evident. These being larger detached properties within spacious plots set either side of Hampton Park Road and set amongst mature trees.

- 6.114 This small corner of the site that falls within the Conservation Area has no obvious relationship with the remainder of the Conservation Area other than providing a continuation of the green space which exists on the northern side of Hampton Park Road, west of the site. Subject to this green edge being retained, it is not considered that the development of this small part of the Conservation Area with housing as proposed within the amended plan will have a harmful impact on its character and appearance. This is subject to new native landscaping being implemented and the removal of existing non-native trees, the use of high quality materials and achieving a density that reflects the location within the Conservation Area. If approved, these matters can be secured through conditions and the detailed design process.

Archaeology

- 6.115 The Environmental Statement also considers the impact of the development on the archaeological interest of the site. This has been established by an initial desk top survey, a gradiometer survey and a total of 22 trial trenches across the site.
- 6.116 The presence of the prehistoric Scheduled Ancient Monument north of the site indicates that there is a high likelihood of Prehistoric archaeology of regional significance within the development area. The Domesday Book compiled in 1086 recorded both Hampton Bishop and Tupsley as established settlements indicating that the land was being utilised in the Early Medieval period. Therefore the site is considered to have a medium potential for presence of medieval archaeology.
- 6.117 The majority of the archaeological interest relates to the area of housing area with little or no interest in the Rugby Club development area. The geophysical survey identified an anomaly at the top of the hill adjoining, but outside of the development area where the presence of more significant archaeological remains may exist. There is therefore a higher probability that further archaeological interest exists on the land west of here which may be adversely affected by the construction operations. The extent of orchard planting elsewhere may also have had an adverse effect on the archaeological resources within the site. The Council's Archaeologist is however satisfied that the archaeological interest of the site can be appropriately investigated and recorded as necessary through the use of appropriate condition requiring and archaeological watching brief.

Scheduled Ancient Monument

- 6.118 Around 350 metres north of the site is a Bronze Age Ring Ditch Scheduled Ancient Monument. There are no visible above ground earth works within this monument and as such, there will be no direct impact. Given the distance to the nearest part of the housing development along the northern boundary and the proposal within the amended masterplan to introduce a strong landscape buffer along the north boundary, the development will also have minimal impact on the setting of this monument.

Listed Buildings

- 6.119 The amended masterplan now introduces two grass pitches nearer the Grade II Listed property known as Whistlefield House, south east of the site. However the nearest pitch will be around 100 metres away from this property and the amended masterplan proposes the

retention of existing orchard between the pitches and this property. Therefore, the development will have no adverse impact on the setting of this property.

- 6.120 The development will therefore have minimal impact on known existing Heritage Assets that exist in and around the site and where there is a potential impact, this can be mitigated through appropriate conditions. The significance of the heritage asset and their setting will therefore no be compromised by the development as required by PPS5 and the relevant conservation policies of the UDP.

Other Matters

Geo- environmental (Contamination)

- 6.121 The Environmental Statement considers the existence of any contamination within the site currently and the risks of further contamination to locally sensitive receptors as a result of the construction and occupation of the site and the need for any mitigation. This is supported by a Phase 1 and Phase 2 Geo-Environmental Assessment which includes a desk based study and 22 trial pits with laboratory analysis of the soil samples taken.
- 6.122 The studies have highlighted that the existing potential sources of contamination emanate from farming activities with the heavy use of pesticides, existing above ground tanks, an in-filled clay pit adjoining the south east corner of the site and demolition of historical buildings in the north west corner of the site. The intrusive investigations identified elevated concentrations of Total Chromium which will be associated with the agricultural activities but levels did not exceed lower screening thresholds.
- 6.123 The construction operations and particularly the scale of engineering operations have the potential to introduce new contamination pathways to existing sensitive receptors such as the River Wye to the south. The Environmental Statement evaluates this and concludes that the significant effects on controlled waters are negligible or minor. Whilst it is considered that this risk is possibly higher than minor, given the low level of contaminants within the site it is not considered to be an issue necessitating further investigation. Therefore, subject to appropriate pollution prevention measures being employed during construction operations should permission be approved, the contamination impacts of the development accord with the requirements of policy DR10 of the UDP.

Arboricultural Considerations

- 6.124 The application is accompanied by a full Arboriculturalist Survey for both the development site area and adjoining land within the ownership of the applicant. This survey has also been updated in light of the tree removal works earlier this year. Thirty individual trees and nineteen groups of trees have been surveyed in addition to the orchard areas. Besides the apple orchard areas, the dominant species are Oak, Ash and Sycamore although twenty four different species in total were recorded.
- 6.125 The majority of the trees are rated as being Category B (*trees of a moderate quality and value which are in such condition to make a significant contribution from an arboricultural, landscape or cultural perspective*) and Category C (*trees of low quality and value, which are currently in adequate condition to remain until new planting is established*). The orchard areas are rated as being of fair to good condition and moderate quality and an age of 15- 20 years.
- 6.126 The majority of the principal trees within the site have not been affected by the work carried out earlier this year as the majority of the trees removed were Leylandii. However, some trees around the ponds (primarily Poplars) have been removed and due to clearance works in close proximity to others, two trees are now dying and the grading of some in Group G11 has changed from category B to Category C. This is clearly unfortunate particularly as some of

these trees could have successfully screened some of the rugby facilities if the development is approved.

- 6.127 The tree survey continues to summarise the overall arboricultural value of the site as fair to good and the amended masterplan proposals largely accommodate all the significant trees or groups of trees within the site. If approved, developments will have to be designed around retained trees with space for them to grow along with other tree management as specified in the arboricultural report such as selective thinning and re-stocking of hedgerows. Subject to these requirements being accommodated through appropriate conditions, the arboricultural interest of the site can be safeguarded in accordance with policy LA5 of the UDP.

Amenity Considerations

Noise

- 6.128 The application is accompanied by a Noise Assessment which is further considered within the Environmental Statement. A noise survey was carried out in May 2010 primarily along Holywell Gutter Lane to establish existing background noise levels at the times when the rugby facilities are likely to be most intensively used. A change in noise levels of 3 decibels (dBA) is generally just perceptible whilst changes of 10 dBA would represent a doubling or halving of loudness. The Noise Survey revealed that existing background noise levels are generally low and typical of a semi-rural environment. Noise levels 10 metres from Hampton Park Road were generally double that of 100 metres back from the main road due to traffic noise.
- 6.129 The most likely development noise would be from increased traffic and the rugby club facilities - match spectators, events and functions and vehicle noise from the car park such as cars revving and doors slamming late at night. The primary receptors are existing and proposed residential development.
- 6.130 Planning Policy Guidance Note 24 concerning planning and noise identifies noise exposure categories for new dwellings associated with different noise sources. Category 'A' being that noise need not be considered as a determining factor, 'B' being noise should be taken into account and conditions imposed to ensure adequate levels of protection against noise, 'C' being permission should normally be refused unless there are alternative quieter sites and mitigation is required to protect against noise and Category 'D' is that planning permission should normally be refused.
- 6.131 The amended plan now brings some of the proposed housing nearer Hampton Park Road and introduces a safeguarded road corridor bisecting the housing areas. The new housing in the first 20 metres or so from Hampton Park Road would fall on the border of noise exposure Categories B and C and therefore some mitigation will be required to protect these new dwellings from road noise. This would take the form of appropriate noise attenuation within the fabric of the buildings such as high specification double glazing and consideration of the orientation and location of the majority of the habitable rooms. The potential noise impacts of the new road would need to be considered under any future application for such infrastructure. The noise from additional development traffic is calculated to amount to less than a 1dBA change in noise levels which is generally not discernible.
- 6.132 The potentially more significant source of noise is from the rugby club. It is unfortunate that the noise survey was carried out when the rugby season was closed. Instead, noise levels were recorded at a rugby tournament at a local school where 30 to 40 spectators were present and has been used as a comparative example scaled up with a further desktop analysis using comparable data. The assessment has been done on the basis of a maximum of 600 spectators, the car park with capacity for 250 vehicles and a function room capacity of 200.

- 6.133 Although the highest noise levels would emanate from the spectators, these occurrences would be during day time periods when existing background noises were slightly higher. The noise levels from the use of the car park were slightly lower. However, as these noise events would also occur during the PPG 24 night time period of 2300-0700 hours when background levels are lower, the night time noise impact from the car park is greater, amounting to more than the doubling of background noise levels. The Noise Survey assumes that noise from within the buildings can be appropriately attenuated which is accepted.
- 6.134 As the proposed new housing is to be relatively close to the rugby club car park and main pitch spectator stand, the ES determines that likely impact of the noise on the proposed new dwellings would be harmful without mitigation. The amended proposals include details of the mitigation which essentially comprise a two metre high noise barrier extending along the western boundary of the car park and pitches positioned on a half metre high bund. Comments are awaited from the Council's Environmental Health Officer regarding the acceptability of this acoustic fence.
- 6.135 Noise levels reduce with distance, screening and the topography of intervening land. For these reasons, the ES describes the wider noise impacts as generally not being noticeable although there would be occasions with the right wind speed and direction when it would be audible but not clearly perceptible. Whilst it is accepted that the actual change in audible decibel levels within existing residential properties in the locality would not give rise to a harmful impact on their amenity, notwithstanding the conclusions of the ES, it is considered that noise was be audible and perceptible potentially causing some disturbance although not to the degree of any nuisance being caused. Given that the Environmental Health Officer raises no objection to the development on noise grounds, the noise impacts of the development are not considered harmful or likely to cause any statutory nuisance.

Floodlighting

- 6.136 The application is supported by luminance plans associated with the floodlighting to demonstrate the degree of light spill beyond the immediate directional area of the lights. It is accepted that the floodlighting would not cause any light pollution and consequently no direct or harmful impact on the amenity of nearby residents will be caused. The Councils Environmental Health officer supports this view. The landscape and visual impacts of the lighting have already been considered in the landscape chapter of this report.

Residential Amenity

- 6.137 The amended plans now also bring the housing nearer to existing properties in the south west corner of the site. It is considered that with careful design and orientation of the houses to ensure there is no direct overlooking of the properties or their primary garden areas, the amenity of these three properties can be safeguarded. Similarly, the amended plans introduce further pitches at lower level nearer to houses adjacent to Hampton Park Road. Whilst these properties will experience increased noise levels particularly on Saturdays and Sundays when the pitches are in active use, it is not considered the noise levels will be unacceptable given existing background traffic noise.
- 6.138 Finally, noise from construction activities can be appropriately controlled through conditions on working hours and a Construction and Environmental Management Plan. Therefore, the noise, floodlighting and residential privacy impacts of the development are unlikely to have a harmful impact on the amenity of existing or proposed properties. Consequently, the development accords with policies H13, DR13 and DR14 of the UDP.

Waste Management

- 6.139 Construction sites have historically been one of the largest sources of waste ending up at landfill. As a result, all construction projects with a gross development value in excess of £300,000 now require a Waste Management Plan. The aim being to firstly minimise the amount of waste produced and secondly to manage any waste in a more sustainable manner ideally through its re-use on site.
- 6.140 The primary source of waste with this development is likely to be sub-soil due to the scale of excavations proposed on the site. The applicants' preliminary assessment indicates that whilst the majority of this can be re-used on site through re-profiling works some will be disposed off site. This is unacceptable given the scale of the development area and potential scope to undertake minor land re-profiling and landscaping works to enable re-use of materials on site. This would also ensure that the number of HGV movements to and from the site would be minimised.
- 6.141 Whilst no draft Waste Management Plan has been provided, this matter can be controlled with an appropriate condition. A single Waste Management Plan covering both the rugby club and housing development should be prepared to ensure synergy in waste management across the site as a whole and this should be submitted with the Reserved Matters applications. This will ensure that waste management is considered at an early stage of the development, if approved, as required by Policy W11 of the UDP.

Sustainable Construction

- 6.142 The applicants are proposing that the housing developments meet Code 3 of the Code for Sustainable Homes whilst the Rugby Club facilities would meet BREEAM rating of 'Very Good'. These standards are disappointing and in respect of energy use, are no more than what is now required to meet current Building Regulations requirements. Your Officers have requested that higher standards be achieved such as Code Level 4 and/or BREEAM 'Excellent' but the applicants advise this would make the development unviable although no evidence has been provided to support this statement. It is nevertheless acknowledged that requiring higher environmental construction standards would inevitably place additional financial burdens on the development.
- 6.143 Both the Code for Sustainable Homes and BREEAM systems contain similar criteria against which developments are judged including minimum targets for certain categories such as energy and water use. Other categories include a requirement to source materials sustainably and ideally locally, requirements for sustainable drainage systems, increased biodiversity value and measures to prevent pollution. Therefore, achieving a standard within both assessment systems will deliver enhancement to the sustainability of the development as a whole albeit relatively moderate. In the absence of specific policy on the matter, the proposed sustainability measures are therefore adequate.

Section 106 Agreement

- 6.144 In line with the requirements of the adopted Planning Obligations Supplementary Planning Document, the applicants have provided a detailed Heads of Terms which has been revised and updated in light of the amended proposals. This includes details of financial contributions towards enhanced community infrastructure necessitated by the impact of the development, details of the mechanism for delivery of the enabling development and control of the payment of the enabling contributions and possible sport community use strategy.
- 6.145 The summary of the financial contributions are as follows:
- Public Open Space 15 year maintenance contribution (including the infiltration basin) – £184,412. No contribution for off-site play provision has been provided as requested and it is likely the maintenance contribution will need to be increased to cover the specific costs of the infiltration basin.

- Education £894,660 – this would be used to enhance the education infrastructure within local schools including Mordiford, St Paul's and Hampton Dene Primary Schools, Bishops High School and other categories including special education needs, early years and youth services.
- Sustainable Transport £368,940 – used to enhance sustainable transport links with the development including reduced speed limits, new footways and cycleways, new bus infrastructure and new pedestrian/cycling crossing facility.
- Library Services £26,826 – toward enhanced library services within Hereford city.
- Waste and Recycling £14,760 – towards enhancement of existing waste and recycling facilities in the city.
- 35% Affordable Housing – Equating to 67 residential units with a 50/50 split between social rented and shared ownership.
- Allotments – Transfer of land to the Council to deliver of 0.66 hectares of land for allotments.
- A long term ecological management plan for all retained woodland and orchard and stipulation
- Sustainability standards – Meeting code level 3 and BREEAM 'Very Good'

6.146 The Environmental Statement also considers the capacity within local and city wide community facilities such as education, health care provision, retail provision and other community facilities such as libraries, places of worship and community buildings. In terms of doctors' surgeries, the average patient per GP ratio within local surgeries falls below the regional average for the West Midlands. Although one surgery (Moorfield House Surgery) exceeds the regional average, capacity appears to exist within other surgeries within the city. There are also 10 dental practices within 2 kilometres of the city centre and whilst no capacity information is provided, it is likely there is sufficient capacity to absorb the increased population generated by the housing development. A similar situation also exists for local retail and community facility provision. The development may also increase usage of some of the local facilities sustaining their viability. No 106 contributions are therefore required to support enhanced provision within any of these sectors.

6.147 With the exception that no off site play contribution is proposed and the public open space contribution may not be sufficient, the remainder of the proposals are in accordance with the adopted policy and legal requirements in terms of the scale of contributions and uses for the money. Additionally, there would be the requirement to safeguard the road corridor through the Section 106 Agreement.

6.148 Due to the format of the application being an enabling development, the Section 106 Agreement would also need to include legal safeguards to ensure the appropriate phased payments of contributions associated with the housing development and the timely delivery of rugby club facilities. The current proposal would not advance the payments to facilitate the rugby club development sufficiently quickly or allow for early payments to cover the detailed design process. As an exception to normal planning policy, the current wording does not sufficiently link delivery of rugby club facilities with delivery of the housing and currently, the default responsibility for completion of the club facilities falls with the council which is also unlikely to be acceptable. As such, the current wording is considered unacceptable. In the event that the application was considered favourably by Committee, it would be essential that these issues and other legal requirements were addressed to firm up the wording, prior to a decision being issued.

6.149 The Heads of Terms also includes a sport and community use strategy providing a detailed schedule of the rugby club's use of the facilities and potential for other sports use. This relates to use of the grass pitches by Junior Dynamos and FC Phoenix football teams for limited periods on weekends throughout the year and the use of indoor training facilities by Hereford Netball League and other local netball clubs on Mondays and other days of the week after the Rugby Club usage. Whilst this document demonstrates potential availability, it does not

provide any legal commitment to other sporting use of facilities. Therefore, if approved, it is considered essential that the community use agreement is drawn up prior to the decision being issued and incorporated into the Section 106 Agreement. This would also need to include the continued sport and community use of the rugby club's existing site.

Conclusion

- 6.150 The development site falls outside of the city boundary and therefore falls within open countryside when assessed against the adopted Herefordshire Unitary Development Plan. Whilst the National Policy Framework is likely to change significantly over the next twelve months or so, due to the early stage in the adoption of this new policy document, it is not considered this should currently influence the decision on this application. The policies within the UDP therefore remain the relevant tests against which the development must be judged.
- 6.151 The housing development is therefore contrary to adopted policies. In terms of the sports facilities, policy RST10 permits major sporting facilities on the edge of the city subject to there being a strategic sporting need and they are acceptable in terms of their environmental impact.
- 6.152 Sequentially, the applicants acknowledge there are several other sites that are more suitable and appropriate for the development around the city and little research appears to have been carried out as to the availability of these sites or even adjoining land as part of a larger strategic urban extension of the city. Nevertheless, it is considered that the availability of the application site can be a material planning consideration and afforded weight if the development is acceptable in all other respects.
- 6.153 The local community have expressed concerns regarding highway capacity and the potential for the development to increase flood risk in the locality. Whilst the apprehension regarding flooding in particular is understandable given the recent local floods, the statutory consultees regarding these matters raise no objection. Natural England's objection remains concerning the Habitat Regulations assessment although it is likely their concerns can be addressed in this regard. An update on this matter will be provided at Committee. The development will also have a negative impact on the biodiversity of the site through site clearance and linked construction operations but the compensatory provision has the potential to mitigate this impact and enhance the biodiversity value of the site in the medium to long term.
- 6.154 The primary concern relates to the magnitude of the landscape and visual impact. The site currently has a landscape character that may not be particularly unique for the County as a whole but is distinctive to the urban fringe of this part of the city as confirmed in the Council's Urban Fringe sensitivity analysis report. The changes introduced within the amended plans are welcomed but they are not considered sufficient to mitigate the harmful landscape and visual impact caused by the scale of development and extent of orchard to be removed compounded by undulating and elevated topography of the site.
- 6.155 The development will however deliver new housing which although not required in policy terms, will assist in maintaining the Council's housing land supply and consumer choice. Early commitment to delivery will also realise the construction of much needed affordable housing and significant contributions towards enhanced community infrastructure delivered via a Section 106 Agreement. The benefits to Hereford Rugby Club are clear but the development will also fulfil a strategic need for new rugby pitches and facilities serving the City and County for generations to come. Secondary benefits will be the additional community sporting use of the facilities for sports such as netball and rounders which currently experience difficulties with availability of facilities. The provision of allotments are also welcomed and needed.
- 6.156 In summary, there a number of positive elements to the development which can be given significant weight in the assessment of this application but on balance, they are not considered

sufficient to outweigh the significant negative landscape and visual impacts of the development and the associated conflict with adopted policy requirements. The application is therefore recommended for refusal.

RECOMMENDATION

Subject to there being further representations or consultations raising new material planning consideration by the end of the amended plan consultation period, the planning application be refused for the following reason:

- 1. The site is within open countryside outside of the settlement boundary for Hereford as defined by the adopted Herefordshire Unitary Development Plan (UDP). The residential element of the development does not satisfy any of the exceptional criteria within policy H7 and the presumption against new housing development within the open countryside therefore applies. UDP policy RST 10 only permits major sports facilities on the edge of Hereford where they are acceptable in terms of their environmental impact. It is considered the development will be visually intrusive and will adversely erode the landscape character of the site and setting of the city. As such, the development is contrary to policies LA2, LA3, H7 and RST10 of the UDP.**

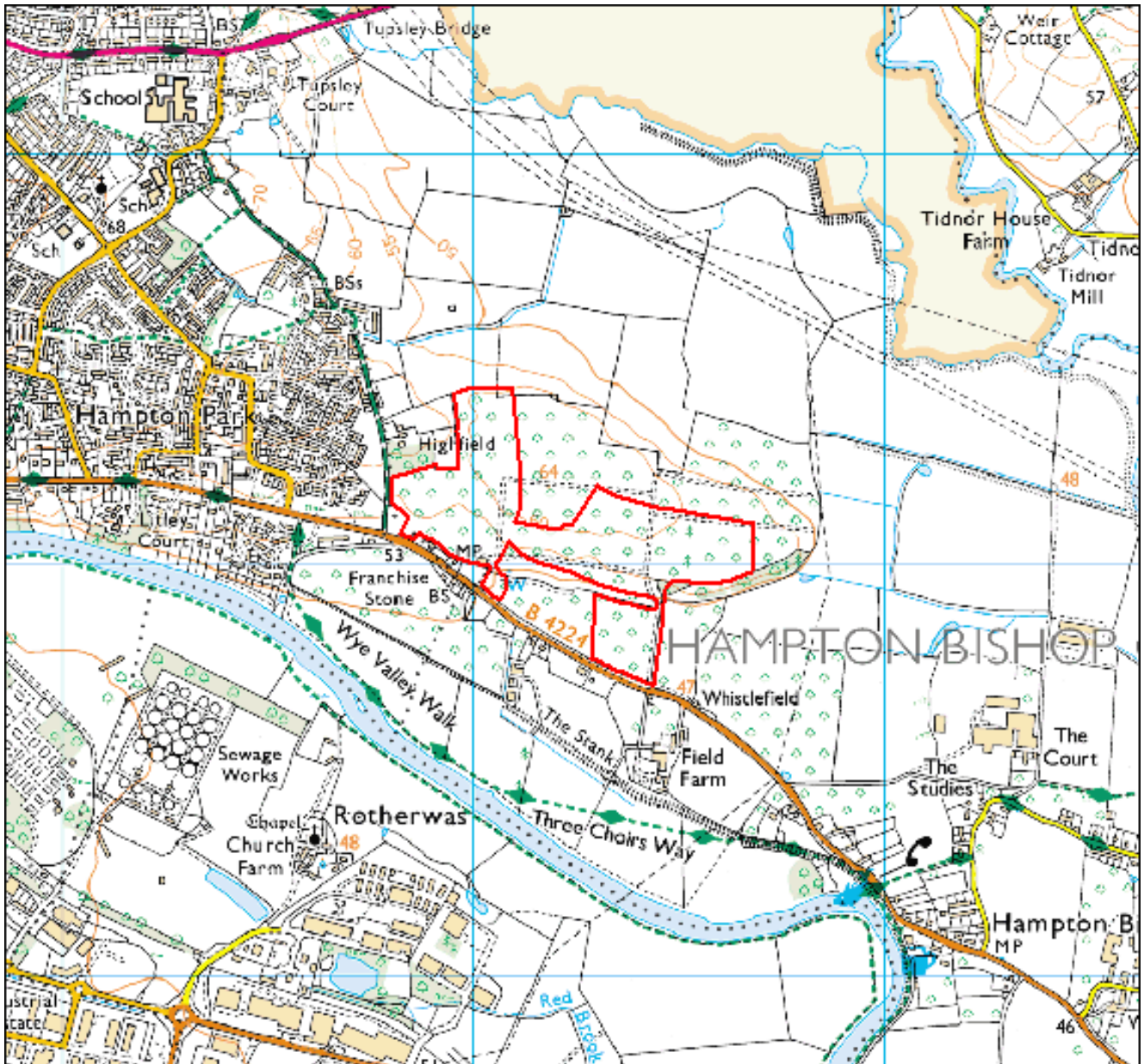
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMS/102921/O

SITE ADDRESS : LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD

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 R Pryce on 01432 260288



MEETING:	PLANNING COMMITTEE
DATE:	31 AUGUST 2011
TITLE OF REPORT:	<p>DMS/111601/F- CONSTRUCTION OF A SHARED FOOTWAY/CYCLEWAY FROM OUTFALL WORKS ROAD IN TUPSLEY THROUGH ROTHERWAS INDUSTRIAL ESTATE TO THE B4399 HOLME LACY ROAD AT SINK GREEN INCLUDING A NEW BRIDGE OVER THE RIVER WYE AT OUTFALL WORKS ROAD THROUGH ROTHERWAS TO B4399, HEREFORD.</p> <p>For: Herefordshire Council per Mr Andrew Palmer, Thorn Business Park 3 Rotherwas Industrial Estate, Hereford, HR2 6JT</p>

Date Received: 17 June 2011

Wards: Hollington, Tupsley and St Martins and Hinton

Grid Ref: 353035,238545

Expiry Date: 21 September 2011

Local Members: Councillors MD Lloyd-Hayes, R Preece, JLV Kenyon, P Sinclair-Knipe, ACR Chappell, AJ Hempton-Smith, P Rone

1. Site Description and Proposal

Site Description

- 1.1 The site is 6.4 hectares, extending from the northern end of Outfall Works Road at the junction with Eign Road in the north west stretching for a distance of around 3km south east, joining Holme Lacy Road (B4399) approximately 100 metres west of Sink Green Farm at the eastern end of Rotherwas Industrial Estate. More specifically, travelling from the north west to south east, the application site commences on Outfall Works Road where it meets Crozens Lane, east of Park Street. Travelling southwards along Outfall Works Road for a distance of around 280m, the site then turns eastwards across the River Wye just north of the access to the Welsh Water sewage Treatment Works. Additional agricultural land on the western side of Outfall Works Road and a section of the river bank on the eastern side of Outfall Works Road are also included within the development site area primarily for construction access and compound areas.
- 1.2 After crossing the River Wye, the site then travels across agricultural pasture land for a distance of 200m up to the railway line and then runs effectively parallel with the railway line for a distance of 550m. Again, a larger site area is included both adjacent to the river and on the opposite side of the railway line for construction purposes and to accommodate a haul road to serve the main works around the river. The site then travels north eastwards under the railway line via an existing railway under pass entering Thorn Business Park. From here, the site continues between existing industrial units west of Thomas Roofing supplies into the area

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

known as North Magazine which is allocated, undeveloped employment land. A further compound is proposed within this area. From here, the site travels south eastwards for a distance of around 550m where it crosses Fir Tree Lane and a further 150m running alongside the newly completed extension of Vincent Carey Road.

- 1.2 After crossing Vincent Carey Road, the site continues south eastward among existing trees and vegetation on the northern edge of allocated undeveloped employment land. After 230m, the site crosses Chapel Road approximately 120m north of the Rotherwas Relief Road roundabout. Continuing for a further 260m, the site follows the northern boundary of a vacant employment building now forming part of Sigeric Business Park, continuing north east following the southern boundary of Rotherwas Pools Special Wildlife Site and the base of the disused railway. The site then crosses Fordshill Road continuing for a further 180m south eastwards, again following the northern boundary of the disused railway embankment where it enters onto Holme Lacy Road.
- 1.3 The site gently undulates across its length although the majority is generally flat with the exception of travelling under the railway underpass and rising up to Holme Lacy Road. The section between Vincent Carey Road and Chapel Road and west of Foresthill Road is largely enclosed by existing semi-mature trees and vegetation and the proposed route navigates amongst the trees where possible. The remainder of the route is dominated by a mixture of either employment or agricultural land use within and adjoining the site, the majority of which forms part of Rotherwas Industrial Estate. The nearest residential properties are Wyeside Cottages which lie adjacent to Outfall Works Road near the start of the development site and Goodwin Way Housing Estate south west of the railway underpass.
- 1.4 The majority of the route though the estate largely follows the alignment of the disused railway line which is safeguarded for either future rail use for sustainable transport corridor under Policies T4 & T5 of the Unitary Development Plan (UDP). Adjoining the northern end of the site adjacent to Outfall Works Road is Hampton Park Conservation Area and south of the site adjacent to Welsh Water Sewage Works is a Site of Importance of Nature Conservation. This partly adjoins the River Wye which is designated a Special Area of Conservation, a Site of Special Scientific Interest and a Special Wildlife Site. In addition, Rotherwas Pool towards the eastern end of the site is also a Special Wildlife Site. There are a number of protected species known to be present either on site or within the locality including those associated with the River Wye such as otters. Bats and badgers are also present close to the development site. The majority of the site falls within a combination of flood zone 2 and flood zone 3. Parts of the site are also archaeologically sensitive.

Background to the Proposals

- 1.6 Existing pedestrian and cycle access from north of the River Wye is currently very convoluted, primarily on highway and not particularly pleasant. Access to Rotherwas Industrial Estate in particular, which experiences some of the highest recorded cycle trips of anywhere in the city is reliant on Holme Lacy Road for the primary point of access. This Council has had long standing ambition to improve the sustainable transport links generally between north and south of the city specifically and especially to Rotherwas Industrial Estate. Indeed, as far back as 1998, Hereford and Worcester County Council commissioned a report which classified the need for the link as being a high priority. Herefordshire Council through successive local transport plans have subsequently featured the need for a link as a high priority within its cycle priority ranking scheme.

More recently, associated with recent expansions of Rotherwas Estate, the Council has committed to improving the sustainable transport links to the estate through a travel plan in order to try and reduce the number of single occupancy car based trips and encourage modal shift. With the recent announcement of Rotherwas gaining Enterprise Zone status and the likely job creation that this will bring, the need for better pedestrian and cycle links will become even more important to give both employers and employees genuine alternative travel options.

- 1.7 At the end of 2007, Sustrans (the UK's leading sustainable transport charity) was successful in the bid for £50 million of lottery funding for a project known as Connect 2 which incorporated a total of 79 schemes around the Country, of which Hereford is one. Connect 2 is described as walking and cycling schemes which currently are not possible without significant detour. Of the £50 million grant, Hereford has secured £350,000.00 towards the scheme. The scheme has to be completed by spring 2013 to benefit from this funding.

The Proposals

- 1.5 The proposal is for the construction of a 3m wide hard surface shared use footway/cycleway hereafter referred to as the Greenway. It should firstly be noted that the entirety of the core route is for the provision of the Greenway from the Cathedral to the eastern end of Rotherwas Industrial Estate onto Holme Lacy Road (phase 1). The Council and Sustrans are also committed to delivering the second phase of the route from Holme Lacy Road to Holme Lacy village following the alignment of the disused railway line. Whilst the funding for this section is currently not available, initial design work and landowner negotiations have commenced. Opportunities to secure funding to deliver this route through the Community Infrastructure Levy in particular will evolve over the next two years or so.
- 1.6 The first section does not form part of the planning application as the works required to facilitate the Greenway within this area are all permitted development amounting predominantly to new signage. This commences at the western end of Castle Street then travelling southwards via Quay Street and Castle Hill following the southern boundary of Castle Green. It then crosses Mill Street onto Nelson Street and onto Harold Street, across Green Street continuing eastwards onto Crozens Lane, then entering Outfall Works Road where the proposed development site commences. Where new signage is proposed, this is to be sited on existing building and walls wherever possible to minimise the degree of street clutter and if this is not possible, it will replace existing finger marker signs. Additional highway works in the form of a new section of pavement and crossing to improve the safety for pedestrians and cyclists travelling from the north and east off Hampton Park Road/Eign Road on to Outfall Works Road is also being considered.
- 1.7 From Crozens Lane, the first part of the development site utilises Outfall Works Road. New highway/cycle signs are proposed along Outfall Works Road and a 40m long passing bay is to be created on the western side of the road. From Outfall Works Road, the Greenway crosses the River Wye via a new cable stay bridge. This entails the construction of a 36m long ramp parallel with Outfall Works Road to support the western bridge abutment and gain access to the bridge. As part of these works, the existing concrete steps down to the river would be relocated northward, near an area known as the Fisherman's car park. The bridge is a single pier design with a series of seven cables fanning out either side of the pier to support the bridge. It spans a distance of 95m entering onto a raised embankment on eastern side of the river with the top of the pier being at a height of 30m above ground level. A contemporary wire parapet at a height of 1.4 metres is proposed. Ground levels are to be lowered under the bridge by around half a metre on average to provide flood storage compensation.
- 1.9 Hereafter, the Greenway then grades back to existing natural ground levels running alongside the railway line and then through the estate. It will be enclosed by a mixture of security fencing adjacent the railway line and adjoining industrial units and a combination of post and rail and stock proof fencing on the river side of the Greenway and elsewhere. The existing public right of way that runs through the riverside fields will be retained with access via gates across the cycleway. The Greenway is a minimum of three metres throughout its length but most parts include additional grass verge and soft landscaping either side of a minimum of one metre in width.
- 1.10 Crossings, where the Greenway crosses existing industrial estate roads, will take the form of dropped kerbs and pavements with appropriate signage both on the Greenway and within the

highway to make pedestrians, cyclist and drivers aware of the existence of the Greenway and traffic. Bollards will also be used to prevent motorised use of the Greenway other than by mobility buggies. The southern section of the route will also be available for equestrian use. A temporary construction haul road is also proposed on the western side of the railway line to provide access for heavy plant required to construct the bridge which will also continue through the Northern Magazine connecting with Vincent Carey Road. The route will form part of national Sustran cycle network.

- 1.10 The application is supported by an Environmental Statement (ES) prepared in accordance with the Town & Country Planning (Environmental Impact Assessments) (England & Wales) Regulations 1999. This Council issued a screening opinion in 2009 which determined that the proposed development was an EIA development and the scope of the ES was formally adopted in 2010. This month, new EIA Regulations have come into force which supersede the above Regulations. However, the changes do not materially affect the soundness of the existing ES prepared for this development or the consideration of this application. The ES includes chapters on landscape and visual effects, ecology and nature conservation, archaeology and cultural heritage, geology, soils and minerals, flood risk, climate change and the water environment, effects on all travellers, community and private assets, construction and cumulative impacts.

2. Policies

2.1 National Guidance

PPS1	-	Delivering Sustainable Development
PPS5	-	Planning in the Historic Environment
PPS9	-	Biodiversity and Geological Conservation
PPS13	-	Transport
PPS33	-	Planning and Pollution Control
PPS75	-	Development and Flood Risk

Herefordshire Unitary Development Plan 2007

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
S7	-	Natural and historic heritage
S10	-	Waste
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR7	-	Flood risk
T3	-	Protection and development of rail network
T5	-	Safeguarding former railway land
T6	-	Walking
T7	-	Cycling
T16	-	Access for all
LA2	-	Landscape character and areas least resilient to change
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC8	-	Habitat creation, restoration and enhancement
HBA6	-	New development within conservation areas

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

ARCH1	-	Archaeological assessment and field evaluations
ARCH3	-	Scheduled ancient monuments
ARCH6	-	Recording of archaeological remains
RST6	-	Countryside access
RST7	-	Promoted recreational routes
W11	-	Development - Waste implications
NC1	-	Biodiversity and development
NC3	-	Sites of national importance
NC4	-	Sites of local importance
NC6	-	Biodiversity action plan – Priority habits & species
NC7	-	Compensation for loss of biodiversity

3. Planning History

- 3.1 Whilst there is considerable planning history associated with existing employment sites adjoining the Greenway route, none is directly relevant to the consideration of this application.

4. Consultation Summary

Statutory Consultees

Natural England

- 4.1 *Habitat Regulations Assessment:* The proposal includes a new bridge over the River Wye Special Area of Conservation which is a European site protected under the Habitat Regulations. From the information provided, it is Natural England's view that the proposal is likely to have a significant effect on the European site. Regulation 61 of the Habitat Regulations requires that the local planning authority undertake an Appropriate Assessment of the implications of the development on the conservation objectives or the European site.

Primary concerns relate to the potential impacts of the bridge construction on migratory fish species, mainly shad, salmon and sea lamprey. The Habitat Regulations screening report submitted with the application makes assumptions about the ability to mitigate the potential construction impact through adapting the construction methods and timing of works. However, the ES highlights uncertainties around the construction process that may be used, which could include thrust piling.

Whilst we welcome the mitigation measures that have already been secured and agree that further mitigation may be possible through appropriate construction methods, due to the uncertainty over the construction methods at this stage, the precautionary principle must apply. Further information regarding the construction methods and timing of works is required and a tailored mitigation strategy needs to be formulated in liaison with the Environment Agency fisheries officer. These matters cannot be dealt with post planning as Natural England would have already given permission for the works in their current form through the application process.

Other ecological matters: We agreed with the conclusions and recommendations made in the ES chapter on ecology and nature conservation. We welcome the creation of an artificial otter holt as a contribution to biodiversity enhancement.

Best practice working methods should be employed regarding reptiles and breeding birds and we welcome the creation of artificial banks for sand martins, which should be constructed before works begin. We also support the use of low spill directional lighting only. The proposed construction and environmental management plan should provide for the detail on the ecology recommendations listed in the ES secured through appropriate conditions.

Landscape and visual impacts: The new bridge over the River Wye is the main cause of landscape and visual impacts. We acknowledge that given the nature of the structure there is little that can be done to mitigate its visual impact and consider the proposed design, on balance, to be the best solution. Given the proximity of the new bridge to the existing railway bridge and the fact that it will be seen in the context of the edge of the city, we do not consider the visual impact to be exceptionally adverse or significantly detract from the landscape and peoples enjoyment of it. We recommend that detailed landscape mitigation and enhancement scheme is agreed prior to work commencing. This should refer to the Council's Landscape Character Assessment to ensure that the mitigation and enhancement also benefits ecology where ever possible.

Conclusion: Natural England is currently objecting to this application on the basis of inadequate information relating to the impacts on the River Wye Special Area of Conservation. This is a holding objection pending further information on construction and submission of an Appropriate Assessment.

Welsh Water

- 4.9 There are a number of public sewers, rising mains and water mains crossing the application site and therefore we recommend an advisory note making the applicants aware of the location of these assets and the required safety zones.

English Heritage

- 4.10 English Heritage endorses the comments within the planning statement that there will be archaeological implications for which an archaeological mitigation strategy will be required. Implications include the impact of works near to the Row Ditch Schedule Ancient Monument and the archaeological potential on parts of the River Wye flood plain. English Heritage recommends that the archaeological mitigation strategy be completed to enable its timely implementation.

Environment Agency

- 4.11 *Flood Risk:* Elements of the proposed development either side of the River Wye are located in Flood Zone 3, the high risk Zone. The proposed embankments required to facilitate the bridge will have an impact on flood storage, which the submitted Flood Risk Assessment, and associated submissions, has sought to address. The proposals are considered acceptable for the reasons detailed below and we would raise no objection to the proposed cycleway and bridge structure.

The information submitted confirms that 1350m³ loss of floodplain storage volume resulting from the bridge structure and cycleway includes both the south and north bank embankments. The loss of floodplain storage volume is more than compensated for by the proposed 1500m³ scrape through and adjacent to the railway arches.

The proposed 2 No. cattle grids and 450mm high single rail fence alongside the cycleway will have a negligible impact upon flood flows. Consent from the Agency will be required for bridge works in addition to any planning permission.

We also note comments made by Natural England and their request for further assessment under the Habitats Regulations. We welcome this request and would provide further comments on any further assessment, which would also be required as part of the Consent application for the bridge construction.

Contaminated Land: This site appears to have been subject to a comprehensive desk based contaminated land study. Appropriate contaminated land conditions are recommended.

Pollution Prevention: Developers should incorporate pollution prevention measures to protect

ground and surface water.

Export & Import of wastes at site: Any waste produced as part of this development must be disposed of in accordance with all relevant waste management legislation. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.

The Environment Agency therefore have no objection to the proposed development as submitted.

Ramblers Association

- 4.12 The cycleway crosses footpath LOB 10 and there should be no step change in level in the footpath. Outfall Works Road is narrow and carries some motor traffic and therefore a 20 mph speed limit will be desirable. Developers should be aware there is a legal requirement to maintain and keep the footpath clear at all times.

Forestry Commission

- 4.13 The application is within 500m of the ancient semi natural woodland. However, the scale of the proposal is such there will be no effect on the woodland.

Network Rail

- 4.14 No comments received.

H & W Gardens Trust

- 4.15 No comments received.

Open Space Society

- 4.16 No comments received.

Internal Council Advice

Traffic Manager

- 4.17 No objection.

PROW Manager

- 4.18 The proposed cycleway will have very little impact on the existing public rights of way network other than the crossing point with footpath LTB10a. At this point, safety considerations such as visibility and gradients must be considered.

Conservation Manager – Historic building and Conservation Areas

- 4.19 Policy HE10 of PPS5 sets out considerations for development affecting the setting of a designated Heritage asset. The most significant structure is the new bridge over the River Wye. Although the bridge is relatively long span for a footbridge and the restraining mast is commensurably tall as a result, it is not considered that the visual impact on the heritage asset in the vicinity will be particularly significant.

Firstly, the bridge is a self-consciously designed structure whose functional choices have also been guided by aesthetic consideration, so it is an appealing design in its own right. This will fulfil one of the requirements of PPS5 concerning making a positive contribution. Secondly, it is seen in relation to the existing railway bridge and embankments to the east so its net contribution to their combined impact is relatively small. Indeed, its design forms an interesting contrast with a purely functional engineering of the 19th Century railway bridge. There are no objections for the proposed development.

Conservation Manager – Biodiversity

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

4.20 Comments awaited.

Conservation Manager – Landscape

4.21 The Landscape and Visual Effects (LVE) chapter of the Environmental Statement follows recommended guidelines. The information presented is accurate and the conclusions are supported. The section titled 'Planning policy, legislative context and standards' is detailed, however it fails to mention the European Landscape Convention concerned with protection, management and enhancement of European landscape or Herefordshire's own Landscape Character Assessment (LCA) Supplementary Planning Guidance. The landscape character designations used below are taken from this LCA.

The route is clearly identified in the Herefordshire Green Infrastructure Strategy (Feb 2010). It is a local strategic corridor (HerLSC8), where the existing historic and natural assets provide the opportunity to increase the sustainability of new and existing development. Such well-connected linear assets will benefit biodiversity, local distinctiveness, flood management, leisure and recreation and alternative transport opportunities.

The route itself will start at the Cathedral within the Urban landscape character type. As it reaches Outfall Works Road, the start of this application, the character changes to Riverside Meadows. The open field to the west and the roadside hedgerows immediately create a more rural setting. This area is also cut off from the residential areas by the railway embankment. The proposed cutting back of vegetation, addition of road markings and higher user numbers will urbanise this section, however this will only be a moderate, not major, impact.

The visual impacts will be the cutting back of vegetation and addition of road markings. The receptors to these changes have all been clearly identified in the LVE and it is agreed that these are mostly highly sensitive. The significance of these changes will be moderate for most receptors.

The landscape character type is Riverside Meadows, which in general terms cannot absorb built development without significant alteration to the linear character. The River Wye itself is a Special Area of Conservation, Site of Special Scientific Interest and Special Wildlife Site. The proposed bridge, with associated ramps, retaining walls, railings and embankments will have a major impact on the landscape character of the site itself. It is acknowledged that alternative crossing points and methods have been assessed and that this proposed scheme is the best compromise in balancing other competing considerations. The primary characteristics of this area – pastoral land use, well defined linear tree cover and unsettled landscape will be permanently altered by this development. This major impact is off-set by the low quality of the existing vegetation, the lower landscape quality to the south and the landscape character further along the river in both directions will not be significantly effected.

The visual impact of the bridge has been assessed in the application for visual receptors within 300m of the route and through the use of computer generated images. There is no mitigation possible for a structure of this size and its design could be viewed positively or negatively. The tower will be 25m high and has the potential to be visible from much greater distances, particularly to the south of Hereford. The structure will be seen in the same views as the built development of Hereford city and the existing railway bridge, therefore providing a suitable context and setting. No lighting details for the bridge have been provided, however this would have a considerable visual impact in an area where lighting is not currently present and is not expected.

The route character changes considerably between the open field to the west of the railway, through the underpass and emerging in the Rotherwas Industrial Estate. The landscape character type is urban, however more specifically this area is large scale, mixed industrial uses with some vacant land and disturbed through on-going building work. The line of the railway is an historic landscape feature that should be retained and this proposal represents an opportunity to enhance it. There are areas of mature vegetation that have colonised along

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

the route and as much of this should be retained as possible, providing a welcome relief from the surrounding built infrastructure.

The visual impact will be from vegetation clearance and fencing – both of which should be kept to the minimum necessary. The visual receptors affected will be users of Rotherwas Industrial Estate and their sensitivity is low, given the nature of the surroundings.

The mitigation measures set out in the LVE chapter are all suitable to the scheme and would provide benefits to the landscape. These have not all been followed through into the proposal drawings, which do not provide a landscape scheme. Given the numerous references to 'Greenway', the landscape scheme should have formed an integral part of the application. The creation of a 'Greenway' relies on protection of existing vegetation where possible, new planting and habitat creation. The detailed landscape plan should incorporate all recommendations from the ecological reports. It should also be fully integrated with the ongoing changing landscape of Rotherwas Industrial Estate. A tree survey should have been provided along the route, clearly identifying any trees that are to be removed and a tree protection plan for those to be retained.

It is agreed that the application meets with UDP Policies LA2 on landscape character and LA3 on the setting of settlements. Policy LA6 requires a suitable landscape scheme – this has not been clearly identified, however the general annotations on the drawings show that there is an intention to carry out the necessary work.

If the application is to be approved then landscape conditions are recommended.

Conservation Manger – Archaeology

- 4.22 The Proposal involves a lengthy route-way into Hereford from the southeast, and a significant new bridge across the River Wye. Although there are a number of sites and locations of archaeological interest that fall within the broad scope of the scheme, they are limited, and the effect the development would have on them is not likely to be harmful.

It is considered that the proposed development would be fully accordance with relevant national and local policy in relation to archaeology, and in fact represents a heritage opportunity.

Minerals & Waste Officer

- 4.23 No comments received.

Environmental Health Manager

- 4.24 Comments awaited.

Economic Development Manager

- 4.25 No comments received.

5. Representations

- 5.1 The development site area crosses three parish council areas, Hereford City Council, Lower Bullingham Parish Council and Dinedor Parish Council.

Hereford City Council

- 5.2 We are happy to support this application but anxieties have been raised about anti-social behaviour around the new bridge.

Lower Bullingham Parish Council

- 5.3 The parish council asked that the following matters are addressed before planning permission is approved.

Further information on the subject of this report is available from Mr R Pryce on 01432 260288

1. Install low density lighting along the new bridge
2. That stock proof fencing is put in place along the river meadow
3. Termination of the cycleway directly onto Holme Lacy Road at Sink Green Farm which is an extremely busy, bendy and narrow section of highway is highly dangerous and totally inappropriate. The parish council request that the cycleway terminates at Fordshill Road where the road is straight, wider and with greater visibility for cyclist and walkers.
4. Additional road signage within the highway and road markings both on the cycleway and highway are required to improve the safety for both pedestrian, cyclist and road users.

Once the above matters have been addressed, the application will be supported.

Dinedor Parish Council

5.4 The application is not supported. The Parish Council have serious health and safety issues regarding the proposal and it is not considered to be compliant with policies T6, T7 & T8 of the Unitary Development Plan.

- Policy T8 requires development proposals to maximise road safety.
- Policy T7 requires development proposal to incorporate safe, direct, convenient and attractive cycle routes which can also include improvements to roads and junction, cycle quality measures and secure cycle parking.
- Policy T6 requires consideration of appropriate standards including signing, signage and lighting are taken into account when considering local or strategic walking routes.

Termination of the cycleway on Holme Lacy Road by Sink Green Farm which is a known accident black spot has serious road and public safety implications. The road is busy, narrow and on a bend with serious visual impairment from the old railway bridge abutment. There have been a number of accidents at this location including fatalities. The safety of the public has been seriously underestimated and not effectively assessed. How can it be acceptable to terminate the cycleway here?

It is also considered that the signage at the highway crossing points is not sufficient. The grazed agricultural land where the cycleway passes through must be fenced off, to safeguard public safety and the welfare of stock.

The Parish Council considers the 2009 Towpath Report does in fact support the view that there is a perfectly adequate public footpath that could be upgraded from close to the railway line and emerging on St Vincent's Close. The width of this route will exceed the minimum required for Connect 2 and would present few technical difficulties other than those of access for construction. It is not necessary to use the rest of the river bank as this route easily links to the existing cycle route along the straight mile and through Putson to Victoria Bridge. The fact that Victoria bridge is not suitable for Sustrans requirement is not a reason to discount the above option as Sustrans are only contributing £330,000 out of £2.7m.

5.5 Two emails of objection have been received from numbers 1 & 2 Wyeside Cottages. The main points raised are:

- Whilst we have had assurance there is no increased flood risk, we remain concerned the proposed bridge construction and particularly the embankment will impact on river flows and increased flooding.
- We have grave concerns with the safety of Outfall Works Road. The road is single width, carries a high volume of HGV's and there is currently no room for people, pedestrians or cyclists. It would be irresponsible to take forward this project without further plans to ensure the safety of pedestrians and cyclist along Outfall Works Road. Consideration should be given to 3m path.

- The original bridge location east of the railway bridge would not have needed such a large embankment and would have bought cyclist and pedestrians out onto the existing footpath where there are no health and safety issues.

5.6 22 letters and emails of support have been received including letters directly from Sustrans, Cycle Hereford and South Wye Regeneration Partnership. The main points raised are:-

- The development will be a great utility to workers in Rotherwas and Lower Bullingham providing a much needed safe cycle route between the City and Rotherwas.
- The development would encourage more people to cycle thereby reducing car trips and subsequent congestion and pollution within the city.
- Paths of this nature provide additional freedom and independence to people who rely on mobility scooters.
- The development will half journey times for workers living north of the city travelling to Rotherwas
- The development will help people to include exercise in a daily routine thereby helping to achieve the Governments objectives on C02 reduction, economic growth and obesity.
- The gradient of the bridge ramps have been designed with the mobility impaired user in mind.
- The development will assist in meeting the travel plan targets for Rotherwas Industrial Estate.
- The development will provide a spring board for the extension of the Greenway all the way to Holme Lacy.
- The high standard of bridge design will be a flagship symbol for green transport in the city.
- The development will assist Hereford Pedi-cabs and cargo in developing an affordable cross city delivery network including additional trade waste recycling clients, assisting businesses in reducing their C02 omissions.

In addition, several additional comments and suggestions have been received as follows:-

- Further consideration should be given to the use of the Welsh Water bridge.
- There is a risk of anti social behaviour if the bridge is not adequately lit.
- Additional improvements should be considered to the junction to Outfall Works Road and Eign Road along with appropriate visual warning on Outfall Works Road itself.
- The loss of the sand martin nesting site on the south bank is not desirable although the artificial nesting site would help mitigate this.
- The scheme may lead to loss of existing car parking spaces on Outfall Works Road
- What consideration has been given to creation of additional parking for people who may drive to the bridge and walk across as this may lead to additional parking on local estates?
- The bridge parapet should be designed to mitigate the risk of children jumping off the bridge in the summer as occurs with the nearby railway bridge.

5.14 The full text of these letters and e-mails can be inspected at Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford, HR1 2BB and prior to the Committee meeting.

6. Officer's Appraisal

- 6.1 The key issues in the consideration of this development proposal are as follows:
1. The Principle of the Development Including the Consideration of Alternatives
 2. Flood risk
 3. Biodiversity
 5. Pedestrian, Cyclists and Highway Safety
 6. Landscape and Visual Impact
 7. Heritage Assets
 8. Other matters
 9. Conclusion

The principle including consideration of alternatives

The Principle

- 6.2 As explained in the introduction, a scheme that provides a safe and direct sustainable transport link between the northern half of the city and Rotherwas has been considered a Council priority for some time. The only route currently available being a lengthy on highway route via the old bridge and onto Holme Lacy Road (cycling across Victoria footbridge is not permitted). The transport sector (excluding international aviation) is currently responsible of a quarter of the total UK carbon emissions, 80% of which is contributed by road users. In recognition of this, the government has required local planning authorities through planning policy to prioritise sustainable, low carbon travel options with greatest emphasis being on walking and cycling for both environmental and health reasons.
- 6.3 This requirement is embedded within the adopted Herefordshire Unitary Development Plan which places a high priority on sustainable forms of travel. Specific policies such as T6 (Walking) and T7 (Cycling) support new sustainable transport infrastructure which encourages more journeys by foot and cycle. T7 in particular lists several cycle schemes which includes Rotherwas/Lower Bullingham to Bartonsham link to create a County wide cycle network. This strategy is reinforced within the adopted Local Transport Plan which identifies walkers and cyclists as the top priority in considering new transport infrastructure. UDP policy T5 also requires former railway land to be safeguarded for new walking, cycling and equestrian routes. The need and principle of the scheme is therefore clearly supported in policy terms, and the scheme represents the implementation of a specific UDP proposal..

Consideration of Alternatives

- 6.4 Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 requires that development proposals supported by an Environmental Statement (ES) should also outline the alternative options considered. It should be noted that for the purposes of this report and as stipulated within the EIA Regs, other options should be considered in terms of their environmental effects rather than other matters such as cost, which is not normally a land use planning consideration.
- 6.5 Four principal alternative route options have been considered. These being
- 1) Utilising Outfall Works Road, continuing along the river bank and utilising the existing Welsh Water bridge to cross the river into Rotherwas via the railway underpass,
 - 2) Travelling along Eign Road and construction of a new bridge via Quay Close to cross into Rotherwas and
 - 3) Crossing the river via Victoria footbridge and following the river bank through the construction of new, and improvements to the existing riverside footpath to link into Rotherwas via the railway underpass.
 - 4) Attach a new walkway to the existing railway bridge off Outfall Works Road

Option 1

- 6.6 The primary benefit of this route option is the utilisation of an existing bridge to cross the river. However, this bridge would have to be adapted entailing work over the watercourse and furthermore, significant ramp structures would be required to provide access onto the bridge on both sides of the river which have the potential to increase flood risk. Significant engineering works including tree and bankside vegetation removal would be required along the river bank to create a continuous cycleway from Outfall Works Road to the bridge through a Site of Importance for Nature Conservation. Therefore, for this reason alone, this option is likely to have greater environmental impacts on the River Wye Special Area of Conservation and designated Site of Importance for Nature Conservation.

Option 2

- 6.7 This option is broadly comparable to the proposed scheme as it entails the construction of a new bridge over the river and in many respect provides for safer connections as it avoids the use of Outfall Works Road. However, the location of proposed bridge would require more significant removal of scrub, vegetation and mature trees along the north river bank of the river and adjacent Eign Brook in close proximity to an existing otter resting site. Additional clearance would be required to provide safe working area for construction and in amenity terms, there would be greater impact on local residents. On balance, it is accepted that the environmental effects of construction of a new bridge in this location are likely to be greater than with the proposed route.

Option 3

- 6.8 This route avoids the construction of a new bridge by proposing the use of Victoria Footbridge as a means of crossing the river. This bridge, which is Grade II Listed, would need to be adapted to accommodate cycle use thereby requiring some work over the watercourse albeit significantly less than with option 1 & 2. A by-law currently prevents cycling over the bridge which would have to be removed or amended presenting a potential legal complication. The main impacts with this option, however, is that it would require significant engineering works to achieve the required 3m wide shared footpath/cycleway along the river. Whilst a river path already exists along parts of the route, it is not continuous having being closed off due to the river bank erosion and this would require widening along most of its length. This in itself could be achieved but measures would need to be put in place to prevent further erosion of the river bank and path. This would need to take the form of a hard engineering construction such as piling or stone gabions, the scale of these works and the consequential potential for significant residual impacts on the Special Area of Conservation make this option unacceptable.

Option 4

- 6.9 This involved attaching a new cycleway on to the side of the existing Network Rail bridge as a means of crossing the river. Environmentally, this option is comparable to a new bridge as engineering works on the river banks would be required to achieve disabled access compliant ramped access on to the bridge and this option would still entail the need to work over the river. However, Network Rail would not give consent to this option.
- 6.10 A 'do minimum' fifth option has also been considered which essentially entails highway alterations to provide safer passage for pedestrians and cyclists on Holme Lacy Road in particular. The environmental impact of these works would be minimal but this would not achieve the desired objective of providing a safe, direct and attractive Greenway encouraging increased cycling and walking between Rotherwas and the northern parts of the city.

6.11 Different Design Options

Once it had been established that the new bridge will be required, a further study was undertaken of the bridge design options. This narrowed down to two options, a warrant truss bridge and cable stay bridge. The environmental impacts of constructing both options were largely comparable in terms of foundation requirements, construction effects on

constructability and therefore the choice of bridge design was made principally on the visual and architectural appearance of the structure. The precise bridge location in the vicinity of the proposed route has also been amended primarily for flood risk reasons.

- 6.12 Having studied the environmental effects of the alternative options on the sensitive receptors which primarily relates to the River Wye and its associated linked habitats, it is considered that the proposed option has the least environmental impacts.

Flood Risk

- 6.13 The application is supported by a Flood Risk Assessment which is further considered within the Environmental Statement. A large proportion of the proposed route falls within flood zone 3 which is the highest risk category of flood plain. Planning Policy Statement 25 permits new infrastructure of this nature within a floodplain subject to the application of the 'Exception Test'. This requires that 1) the development provide wider sustainability benefits to the community that outweigh the flood risk, 2) the development is on previously developed land or it is demonstrated that there are no alternatives to developing on greenfield land and; 3) it must be demonstrated that the development will be safe without increased flood risk elsewhere and any residual flood risks that occur can be reduced or mitigated.
- 6.14 The flood risk impacts of the development and particularly the construction of the new bridge and the supporting infrastructure has been assessed through computerised hydraulic modelling. This is also informed by historic flood records for the area gathered in association with the wider flood protection works for Rotherwas Industrial Estate and includes data back as far as 1795.
- 6.15 The modelling has revealed the primary flood risk impact is associated with the new bridge and particularly the ramps that provide access on to the bridge either side of the river. Various bridge locations and ramp design options have been considered to mitigate this flood risk. The proposed solution is that the bridge itself would be flood free up to a 1 in 100 year plus climate change event as stipulated by the Environment Agency. The proposed ramp on the north west side of the river is designed so as not to impede water flow by having a curved radius and a slim profile. Alongside the existing concrete engineered embankment within this area and the existing flood relief outlet immediately to the south, this ramp construction will have negligible flood risk impact.
- 6.16 On the south east side of the river, the bridge design extends for around 50 metres beyond the rivers edge into the adjoining field with a shallow graded earth embankment then proposed to achieved ramped DDA compliant access on to the bridge. To compensate for the bridge pier and embankment within the flood plain, flood storage compensation is proposed. This entails excavating an area under the bridge to an average depth of half a metre equivalent to 1500 cubic metres which is in excess of the volume of the proposed bridge works which amounts to 1350 cubic metres. This effectively allows flood water to continue to flow across the field meadow adjoining the river.
- 6.17 To address the concerns of the Environment Agency, the fence design has also been changed in this location. The previously wire stock fencing which could have been a trap for debris at times of flood has been replaced with a combination of a simple timber post and single rail and two sets of cattle grids to control the movement of stock. The combined impact of the bridge work along side the proposed mitigating measures results in a change in water levels of less than one millimetre in the locality around the bridge. Consequently, the flood risk impact of the works on existing residential properties and business on Outfall Works Road in particular will be negligible.
- 6.18 The remainder of the Greenway will generally be raised around 150 millimetres above existing ground level to ensure it does not become water logged at times of heavy rainfall. Soakaway

drainage will be provided along the length of the route to ensure that the Greenway does not cause increased flooding elsewhere. The Greenway will also ramp up and over the existing flood bund on the east side of the railway underpass to ensure the scheme has no impact on this flood barrier..

- 6.19 South of the river, the Greenway travels through functional flood plain. Elsewhere within the Rotherwas Industrial Estate, until Rotherwas flood alleviation works are constructed, the Greenway will also travel through areas of high flood risk. The probability of the Greenway flooding is around 1 in every 5 year for a duration of less than 12 hours with more significant flooding during extreme flood events, (1 in 100 year) the most recent of which was December 1960. To mitigate against this risk, a flood risk warning plan is proposed. This will include a link to the Environment Agency flood warning system to ensure that users of the Greenway are both aware of the flood risk and suitable measures are put in place including closure of the Greenway when it is at risk from flooding. The full details of this can be secured by condition.
- 6.20 In addition, the ES also considers the impact of the development on both ground and surface water will be minimal given the scale and nature of the work and proposals for sustainable drainage of the route. Working close to the water course will inevitably generate issues during the construction phase. This is to be mitigated through carrying out the majority of the bridge works during the summer when flood risk will be lower. Sediment catchment ponds are also to be constructed to minimise run off from exposed soils and materials whilst any hazardous substances such as fuels and oils will be appropriately stored away from the river. Specialist spill kits will also be available to deal with pollution incidences.
- 6.21 Therefore the environmental statement and accompanying flood risk assessment satisfactorily demonstrates that the tests for consideration of new infrastructure development within the flood plain set out in Planning Policy Statement 25 (the Exception Test) have been met. The flood risk effects of the development and therefore considered low and when the wider Rotherwas flood alleviation scheme is completed, the residual flood risk will be negligible.
- 6.22 Subject to conditions as detailed within this section, the flood and pollution risks of the development both during construction and once complete are acceptable in accordance with the requirements of policies DR4 & DR7 of the UDP. The Environment Agency also support's this view and raise no objection to the application.

Biodiversity Impacts

- 6.23 The Environmental Statement assesses the ecological and nature conservation impacts of the development and identifies mitigation measures and compensatory provision where relevant. The principal ecological receptors are the River Wye Special Area of Conservation and Site of Special Scientific Interest and Rotherwas Pools Special Wildlife Site. The analysis is based on information gathered from desk based research along with the site specific ecological surveys carried out in 2009, 2010 and 2011. Potential impacts will arise from the engineering works, vegetation clearance, noise, vibration and potential risk of accidents. Also, increased human activity once operational could also give rise to ecological impacts.
- 6.24 The River Wye is designated for containing ranaculous beds which support a number of protected fish species, including white-clawed cray fish, sea lamprey and shad. None of these species were found in the immediate area around the bridge but suitable habitat exists in the area to support spawning of these species including shingle beds and areas of silt. The river also supports otters and evidence of otter activity has been found along the north and south bank of the Wye including an above-ground resting site within 150 metres of the bridge. Within 500 metres of the Greenway there are three locations where great crested newts exist, although there are no effective terrestrial habitat links between these locations and the route. Slow worms and grass snakes have also been found within 500 metres of the route including around Fir Tree Lane. There are many records of bats within 1 kilometre of the Greenway

route. In addition there are a number of notable bird species along the bridge including kingfishers and sand martins within the river bank near the bridge location. In terms of plants, the Greenway passes predominantly through improved grassland and farmland but also small areas of woodland and scrub will be affected. Rotherwas Pools Special Wildlife Site contains a breeding population of common toads, along with various other bird species and aquatic vegetation.

- 6.25 The potential ecological impacts of the development have been considered and addressed within both the route selection process and design of the proposed route. Several of the other routes have been dismissed primarily on environmental grounds that would have entailed the engineering of several hundred metres of riverbank and the removal of large areas of trees and vegetation. The cable stay bridge design avoids any new structures within the water course and the long span of the bridge minimises the amount of riverside habitat affected by the proposal. The bridge has a slim profile being 3.5 metres wide and therefore any shading effect will be minimal. The lighting of the bridge deck will need to be carefully considered but low impact LED lights are proposed which in principle, are likely to be acceptable. The bridge will also lead to increased human activity in the area although there is already public access with the fishing on the north-west bank and via the public right of way in the south bank. Therefore, these impacts are not considered to be significant.
- 6.26 The proposed bridge construction will entail piling of foundations and at the time of writing the report, Natural England have issued a holding object due to potential impact of the construction on migratory fish. An likely acceptable solution will be to use bore rather than thrust piling outside of the fish migratory season of March to June but this detail has not yet been clarified. Further information is being provided to Natural England regarding the piling methodology and potential impacts and an up-date on this matter will be provided at committee.
- 6.27 Bat activity surveys have also been carried out in two locations along the route. Various bat species were detected, although no evidence of significant commuting routes and no lesser horseshoe bats were recorded. The required site clearance will not remove any of the areas of vegetation where significant levels of bat activity were recorded or any of the potential roosts identified within existing trees. The Greenway will also create new and enhanced wildlife corridors for bats particularly as the majority of the route will not be lit.
- 6.28 The bridge works will take place adjacent to a sand martin nesting area and without mitigation, significant disturbance to these species is likely to occur. New artificial banks are proposed to be created and the existing site netted off in advance of construction commencing to minimise any disruption during construction. Prior to work commencing, a further otter survey is also proposed to establish any otter activity and construction activities will be controlled through a licence from Natural England if otters are found near the bridge construction. The impact on otters can be further mitigated with new tree and shrub planting on the north and south embankments of the river providing screening and potential new laying up sites.
- 6.29 The applicants also propose to adhere to the Environment Agency's Pollution Prevention Guidelines which include strict controls. This will include installing silt traps around the construction areas to prevent any sediments or contaminants from entering the river. Settling tanks and oil interceptors may also be used and spill kits will be available both sides of the river to deal with any accidental spillages.
- 6.30 Elsewhere around Rotherwas pool in particular, clearance of woodland and vegetation will need to be strictly defined and controlled. This will be ensured through the erection of robust fencing preventing encroachment outside of the construction corridor, and avoiding removal of any mature trees and ensuring clearance takes place outside of the bird nesting seasons. Once completed, the verges of the Greenway along its length and particularly in this area will be planted with native shrub and wildflower planting ensuring the integration of the Greenway

route with the existing ecological and landscape features. Similarly, prior to any clearance of vegetation, a hand search for reptiles will be carried out (slow worms and grass snakes) to avoid any accidental mortality. New species rich grassland planting is also proposed to provide a replacement habitat for these species. The badger setts within close proximity to the route will also need to be closely monitored and may require a licence from Natural England which will include seasonal restrictions on working.

- 6.31 In summary, several parts of the Greenway route are ecologically sensitive by virtue of statutory designations and the presence of protected species. Whilst there will inevitably be an impact on species and their habitat during construction, it is considered that with the proposed mitigation measures and the design and location of the bridge, any impacts can be minimised. Furthermore, the residual effects, with the enhancements measures proposed, are likely to be beneficial. The biodiversity impacts of the development are therefore acceptable in accordance with the relevant Unitary Development Plan Policies. This is subject to a piling methodology being used that minimises the impact on migratory fish.

Pedestrian, cyclists and highway safety

- 6.32 The actual and the perceived safety of the route for all users is paramount to the success of the scheme. This is why an off road route has been sought wherever possible and the scheme is described a Greenway. Nevertheless, there are several points along the route where pedestrians and cyclist will encounter vehicular traffic and have to cross existing highways.
- 6.33 Although not part of this application, the proposed first section of the route between the Cathedral and Outfall Works Road is predominantly on highway (with the exception of the section through Castle). Where street crossings occur, new directional signage is proposed guiding cyclists and pedestrians along the route and advance warning signage for drivers will also be erected to make them aware of the existence of crossing cyclists and pedestrians. Where required, curbs and pavements will also be lowered. Given the relatively low traffic flows and reasonably good visibility on the crossings, this section of the route subject, to appropriate signage will not pose any highway, pedestrian or cyclist safety issues.
- 6.34 Outfall Works Road is largely single vehicle width and carries a high proportion of HGV's and tractors travelling to the sewage treatment works. Without mitigation, there is therefore likely to be a conflict between pedestrians, cyclists and vehicles which could present a hazard. Indeed, the road safety audit completed for the route highlights this risk, as have local residents. To address this, new highway advance warning signage is proposed at the entrance into Outfall Works Road and at other points along it's length making drivers aware of the presence of cyclists and pedestrians. In addition, a 40 metre long passing bay is to be created through the removal a of section of hedgerow which will provide a safe pull-in for vehicles, pedestrian and cyclists. Whilst it would be beneficial to create a dedicated footpath/cycle way along the length of Outfall Works Road, there is insufficient space within the highway boundary to achieve this and it would therefore entail encroaching into the residential curtilages of adjoining properties and removal of further hedgerow and trees. In the interests of facilitating the scheme, the proposed works will be sufficient to make Outfall Works Road usable and safe, a position which is also accepted by the safety audit.
- 6.35 The Safety Audit has also highlighted the need for improvements to the junction of Outfall Works Road and Eign Road. This does not form part of the core route or this application site area but these works, which involve a new section of pavement on the southern side of highway under the railway bridge and a new toucan crossing, will be considered as part of the wider strategic connections on to the Greenway across the city.
- 6.36 From Outfall Works Road, the section through to Thorne Business Park is all off road. The bridge itself will have low level LED down lighting to ensure that this is appropriately lit without impacting upon the bio-diversity within the river. The City Council also raise concerns

regarding the potential increase in anti-social behaviour in and around the bridge. Whilst this cannot be ruled out, the existing crime statistics do not highlight a problem in this area and therefore the need for CCTV or any other measures cannot be justified. This matter can be monitored and measures implemented in the future including CCTV if a problem exists.

- 6.37 Local residents have also raised concerns regarding the risk of children jumping off the bridge. This could only be mitigated through an enclosed cage parapet which is not considered appropriate. Therefore, whilst this could be an issue, it is not considered the potential issue justifies alterations to the bridge design to prevent this from occurring. The provision of parking at the north end of the Greenway has also been raised as an issue. No land exists to create a car park and in any event, this would be contrary to the ethos and purpose of the scheme which is to discourage car travel.
- 6.38 The Greenway also crosses an existing Public Right of Way east of the proposed bridge. The safety of pedestrians on the existing footpath is to be safeguarded through the provision of suitably designed gates and signage. The linkage of this footpath with the route is welcomed.
- 6.39 The route then crosses Thorn Business Park Estate Road and further along, Vincent Carey Road, Chapel Road and Fordshill Road. All these crossings will include appropriate advance warning signs for motorists along with similar signage on the Greenway Route and dropped pavements and curbs with tactile paving. The possibility and need for the crossings to be lit is also currently being investigated. Each of the highway crossings will also include centrally located bollards either side of the highway to prevent vehicular access onto the Greenway. Similar bollards will be positioned on the entrance to the bridge from Outfall Works Road. The gaps between the bollards will allow access for mobility buggies and Hereford Pedi-cargo cycle trailers. As recommended by both Lower Bullingham and Dinedor Parish Councils, the extent of signage on the crossings and the highway approaches is also currently being reviewed with a view to being increased to ensure the crossings are safe and meet the requirements of the Safety Audit.
- 6.40 After crossing Fordshill Road, the proposed route then proceeds on to Holme Lacy Road near Sink Green Farm. Highway intervisibility in this area is very limited due to the embankment and disused railway abutment on the south side of the road. As a result, there is likely to be a conflict between vehicles and cyclist/pedestrians. In view of this, a further safety audit has been carried out on this section which has recommended that either the intervisibility within this section of highway is improved to include a pull-in for cyclists on the south side of the road or that the route be terminated at Fordshill Road as suggested by the Parish Councils. A scheme is currently being designed to remove some of the existing embankment in this area to improve the visibility around the corner of the bend but these works do not form part of this current application. It is therefore recommended that public access to this last section of the Greenway is prevented until the required highway improvements works are carried out. The Greenway could utilise Fordshill Road to gain access to Holme Lacy Road in the interim subject to landowner agreement. A condition is recommended to require this.
- 6.41 Subject to the measures outlined above being implemented and controlled by conditions, the Greenway will not pose any danger to pedestrian, cyclist or highway safety as required by policies T6 and T7 of the Herefordshire Unitary Development Plan. In addition, the Greenway is designed to accommodate users with mobility difficulties thus meeting the requirements of the Disability Discrimination Act that seeks to make the Rights of Way network more accessible to the wider sections of the community.

Landscape and visual effects

- 6.42 The Environmental Statement considers the impact of the development on landscape character, landform, vegetation and landscape quality along with the visual impact of the development from defined viewpoints and other sensitive visual receptors such as nearby

residential properties. The landscape character of the route is identified within the Council's adopted Landscape Character Assessment as Riverside Meadows. A landscape and visual analysis of 300 metres either side of the route has been identified as a study area within the Environmental Statement.

- 6.43 The primary change to both landscape character and visual impact arises from the proposed bridge. With a span of around 95 meters rising to a height of 25 metres from deck height along with the necessary ramped embankments either side, this represents a significant structure. The bridge materially impacts upon the landscape character and landform due to the scale of the structure and changes in levels with the new embankment. It will also necessitate the removal of a small area of scrub and vegetation on the west side of the river bank and east to accommodate the embankments. Consequently there will be a high magnitude of change in the landscape in this area in conflict with the prevailing landscape character.
- 6.44 The bridge is within relative close proximity to the existing railway bridge and therefore the landscape and visual effects of the bridge will be viewed in this context from many public vantage points and from residential properties to the north in particular. The bridge is also located on the edge of the city close to high density development and therefore the overall visual effects must be viewed in this context.
- 6.45 Along Outfall Works Road, a section of hedgerow has to be removed to create the passing bay but this hedgerow has not been identified as species rich or structurally diverse. A new native hedgerow will be planted to link in with the existing hedgerow. Along the river embankment in the locality of the bridge, Himalayan Balsom and Giant Hogweed exist and therefore the works also offer the opportunity to remove these invasive plants and undertake new planting which could result in a beneficial landscape and visual impact. The bridge is to be illuminated with subtle LED downlights and the bridge can be finished in light grey/sky colour to further soften it's visual impact.
- 6.46 The remainder of the Greenway then largely meanders amongst existing trees and vegetation avoiding tree removal wherever possible. The character is predominately dominated by existing industrial development which will be reinforced as future phases of Rotherwas are developed out. The relatively high density of existing development that exists along the route also minimises the visual impact of the construction, which is in any event minimal. In addition, several sections of the route offer the opportunity for new planting to reinforce the Greenway as a green infrastructure link. This will include new tree, hedgerow, scrub and grass planting including a wildflower verge planting. The attractiveness of the route will be further enhanced with the provision of interpretation boards emphasising local features of interest, seating and public art.
- 6.47 It will not be possible to mitigate the landscape and visual effects of the new bridge due to its scale. Consequently, some residential properties in the area may experience a slight adverse effect on their outlook. However, it is considered that the quality of the existing landscape in the location of the bridge is relatively low and therefore it has capacity to absorb the impact of the bridge. Elsewhere along the Greenway route, the landscape and visual effects will be minimal immediately post construction but once new planting establishes, the effects will be beneficial. The landscape and visual impact during construction particularly around the bridge works will be more extensive but given the short-term nature of these works (approximately 3 months) these impacts are not considered significant.
- 6.48 Overall it is not considered that landscape and visual impacts of the development are not significant. The development therefore accords with Policy LA2 of the Unitary Development Plan in this respect. This is subject to appropriate new landscaping in accordance with policy LA6 of the Unitary Development Plan being secured through a condition.

Impact on Heritage Assets

Conservation Area

- 6.49 The heritage assets of relevance to the consideration of this application are the setting of Hampton Park Conservation Area, the nearby Row Ditch Scheduled Ancient Monument and archaeological remains along the length of the route.
- 6.50 Hampton Park Conservation Area was designated in 1969 and it's particular character was defined at the time as comprising of houses from a range of ages and styles within a planted environment. This character is more prevalent further east of the site. Nevertheless, the Conservation Area boundary comes relatively close to the location of the new bridge and given the scale of this structure, the impact on the setting of the Conservation Area must be considered. The proposed cable stay design bridge will be at odds with other bridges in the area which are all of a warren truss design. The bridge design is however of its time and provides a more architecturally interesting solution to the required crossing of the river. The juxtaposition of contemporary architecture within an historic setting is also not an uncommon situation and in this instance, it is considered the impact on views to and from the Conservation Area will be positive. This view is supported by the Conservation Manager who describes the design "as forming an interesting contrast with the purely functional engineering of the 19th Century railway bridge".

Scheduled Ancient Monument

- 6.51 The Row Ditch Scheduled Ancient Monument is located around 250 metres north of the main bridge works therefore although this is a highly significant heritage asset, the impact of the more prominent elements of the scheme on the setting of this asset will be negligible.

Archaeology

- 6.52 The scheme will travel through some undisturbed land in an archaeologically sensitive area where there are known archaeological remains. However, the Council's archaeologist advises that the risk of disturbing any concealed remains is relatively low. Nevertheless, until a phase 2 geotechnical survey is completed, further archaeological remains of significance may be encountered. To address this, a condition is recommended requiring an archaeological watching brief. The Council's Archaeological advisor supports the conclusions in the Environmental Statement and the need for a condition of this nature.
- 6.53 The impact of this development on the heritage assets in the locally are therefore acceptable in accordance with the conservation policies of the Unitary Development Plan.

Other Matters

Waste Management

- 6.54 All development projects with a gross development value in excess of £300,000 are now required to produce a Site Waste Management Plan. The purpose being to firstly to minimise the amount of waste and secondly, to manage any waste in a more sustainable manner preferably through it's re-use on site. The principal waste arising from this development will be excavated top-soil and sub-soil.
- 6.55 The bridge sub structure is to be piled which will reduce the amount of deep excavation required. The main excavation around the bridge is to achieve the flood storage compensation which amounts to around 1,500m³ and this will largely be used to construct the east side embankment to create the ramped access to the bridge. Along the remainder of the route, any excavated top-soil or sub-soil will used to level out any undulations within the landform with any surplus deposited on adjacent land forming part of the Northern magazine where existing levels have to be raised for flood protection. In addition, existing aggregates

obtained from the crushing of former ammunition bunkers within the North magazine are to be used for the sub-base for the proposed Greenway.

- 6.56 Therefore, whilst a full Site Waste Management Plan has not been provided, the waste generated is largely to be used on site with any surplus exported to adjoining land. The importation of raw materials is also minimised as a result of the re-use of the existing recycled aggregate. The proposal represents an excellent example of sustainable waste management. Subject to a full Site Waste Management Plan being submitted, the requirements of Policy W10 of the UDP have been satisfied.

Contaminated Land

- 6.57 The Environmental Statement considers the outcomes of the initial geotechnical surveys. This has revealed potential areas where contamination is more likely particularly where there is made up ground through the Estate and alongside the disused railway embankment. However, due to the nature of the construction, the majority of the Greenway will involve minimal excavation and any contamination that may exist is unlikely to be disturbed and will ultimately be capped through sub-base and tarmacadam surface.
- 6.58 A phase 2 geotechnical survey will be required around the bridge works in particular but the soil analysis within other parts of the route including north of the bridge location have not revealed any significantly elevated levels of contaminants. Nevertheless, due to the high water table and potential existing/new pathways being created to the River, further soil analysis and control over contamination will be essential. Subject to completion of the further geotechnical analysis and pollution prevention measures being implemented as recommended by the Environmental Agency, the contamination impacts of the works are considered to be minor and therefore acceptable in accordance with policy DR10 of the Unitary Development Plan.

Construction Impacts

- 6.59 The Environmental Statement also considers the construction impacts including increased noise, vibration and general impact on local amenity along with the impact on the natural environment. The most sensitive area is around the new bridge work due to its proximity to a number of existing residential properties and the River Wye. The majority of the bridge works are likely to take place from the eastern side of the river. Access will be gained through the construction of a temporary haul road parallel with the railway line under the existing rail arches adjacent to the river. In addition large plant and equipment will be transported across the railway.
- 6.60 Any noise and vibration impact are likely to be temporary in nature and the use of haul roads should ensure that dust is minimised. Stockpiling of waste and site compounds areas can also be controlled by condition to further minimise the construction impacts. The vibration impacts on the local bio-diversity are discussed in detail in the bio-diversity chapter. Subject to responsible site management, the construction impacts can be acceptably mitigated.

Conclusion

- 6.61 The desire to create a new safe and direct sustainable transport link between the city centre, the north east areas of the city and Rotherwas Industrial Estate was identified as far back as 1998 by the previous authority. The need for this link has been reinforced with successive studies by Herefordshire Council resulting in the proposed Greenway being a high priority route within the Local Transport Plan and a listed scheme in the Unitary Development Plan. The successful National Lottery funding bid provided the catalyst to implement the design of the route.

- 6.62 An exhaustive assessment of route options has been carried out over the last three years or so which has resulted in four other route corridor options being investigated in detail. The proposed route corridor is considered to provide the most appropriate balance between minimising the environmental impact and creating an attractive, user friendly route for walkers and cyclists.
- 6.63 The principal challenges with the preferred route concerning flood risk and biodiversity in particular have largely been addressed and demonstrated that any impacts can be appropriately mitigated. Other matters such as heritage impacts, pollution prevention and waste management have been fully considered in the design of proposed scheme.
- 6.64 The Parish Council comments have also been taken on board in recognition of the safety concerns regarding the last section of the route and point of connection on to Holme Lacy Road. The scheme has been amended to prevent this section becoming operational until a scheme of highway and pedestrian/cycle safety works have been agreed. These works may also facilitate implementation of the next phase of the scheme through to Holme Lacy more deliverable.
- 6.65 The scheme will provide an attractive, direct and safe commuter and recreational route between north and south of the city for pedestrians, cyclists and mobility impaired groups. It will also support the Councils green infrastructure strategy which aims to provide a network of new green infrastructure around the city and will form part of Sustrans national cycle network. Most importantly, however, it will provide a user friendly and healthy sustainable travel option that will assist in reducing CO2 emissions and reducing congestion within the city. Subject to Natural England removing their objection to the impact of the construction works on migratory fish within the River Wye, the application is supported.

RECOMMENDATION

It be recorded that the Environmental Statement and associated documents including the consultation and other responses received on the Environmental Statement and associated documents have been taken into account in making this decision.

That subject to Natural England removing their holding objection, planning permission be granted subject to the following conditions and any further conditions considered necessary by officers:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. E01 Site investigation - archaeology**
- 5. G03 Retention of existing trees/hedgerows**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G09 Details of Boundary treatments**
- 8. G10 Landscaping scheme**
- 9. G11 Landscaping scheme - implementation**
- 10. H27 Parking for site operatives**

11. **I16 Restriction of hours during construction**
12. **I20 Scheme of surface water drainage**
13. **I25 Bunding facilities for oils/fuels/chemicals**
14. **I33 External lighting**
15. **I55 Site Waste Management**
16. **K1 Nature Conservation - access for recording**
17. **K5 Habitat Enhancement Scheme**
18. **M08 Flood warning**
19. **Notwithstanding the approved plans, the last section of the Greenway between Fordshill road and the B4399 hatched green on drawing number shall not be accessible to the public until a scheme of highway, pedestrian and cyclists safety improvement works at the junction of the Greenway and the B4399 has been submitted for the approval in writing to the Local Planning Authority.**

The approved scheme shall be implemented as approved and completed prior to first use of the last section of the Greenway as defined by the green hatching on drawing number.

Details of the means of preventing public access to this section of the Greenway shall be submitted for approval of the local planning authority prior to work commencing on the development and installed as approved prior to first use of the Greenway hereby permitted.

Reason: In the interest of highway, pedestrian and cyclist safety and to comply with policies T6, T7 and T8 of the Herefordshire Unitary Development Plan.

20. **Prior to the commencement of the development, details of the finish to include the BS paint colour proposed for the bridge shall be submitted for the approval in writing of the Local Planning Authority. The bridge should be finished in accordance with agreed colour and maintained thereafter.**

Reason: To protect the visual amenities of the area and ensure that the development complies with the requirements of policy DR1 of the Herefordshire Unitary Development Plan.

21. **Prior to the commencement of the development, a construction and environmental management plan to include details of the construction methodologies and timing of works and an environmental risk management strategy shall be submitted for the approval in writing of the Local Planning Authority. The plans should include measures to minimise the extent of dust, noise, vibration, measures to safeguard the biodiversity interests of the site and surroundings and measures to minimise the risk of contamination as set out in the environmental statement.**

The construction shall be carried out in accordance with the approved construction and environmental management plan and the accompanying methodologies and environmental risk management strategy.

Reason: To protect the environment and biodiversity interests of the site, to safeguard the amenity of properties in the locality and to comply with policies DR2, DR4 and NC1 of the Herefordshire Unitary Development Plan.

- 22. Prior to commencement of the development, full details to include scale plans of the proposed site compound to include details of the proposed stock piling of any waste material and the proposed restoration of the compound and haul road areas following completion of the construction works shall be submitted for the approval in writing by the Local Planning Authority.**

The construction compound, waste storage and haul road along with the proposed restoration works shall be carried out in accordance with the approved details.

Reason: To protect the environment and safeguard the amenity of properties in the locality and to comply with policies DR2 & DR4 of the Herefordshire Unitary Development Plan.

- 23. Prior to the commencement of the development full details of design and location of all signage to be installed along the route shall be submitted for the approval in writing by the Local Planning Authority.**

The signage shall be installed in accordance with the agreed details prior to first use of the Greenway hereby permitted.

Reason: In the interest of highway, pedestrian and cyclist safety and to comply with policies T6 T7 & T8 of the Herefordshire Unitary Development Plan.

24 M09 Contamination

25 M10 Unsuspected Contamination

INFORMATIVES:

- 1. **N15 Reason(s) for the Grant of PP/LBC/CAC**
- 2. **N19 Avoidance of doubt - Approved Plans**
- 3. **HN02 Public rights of way affected**

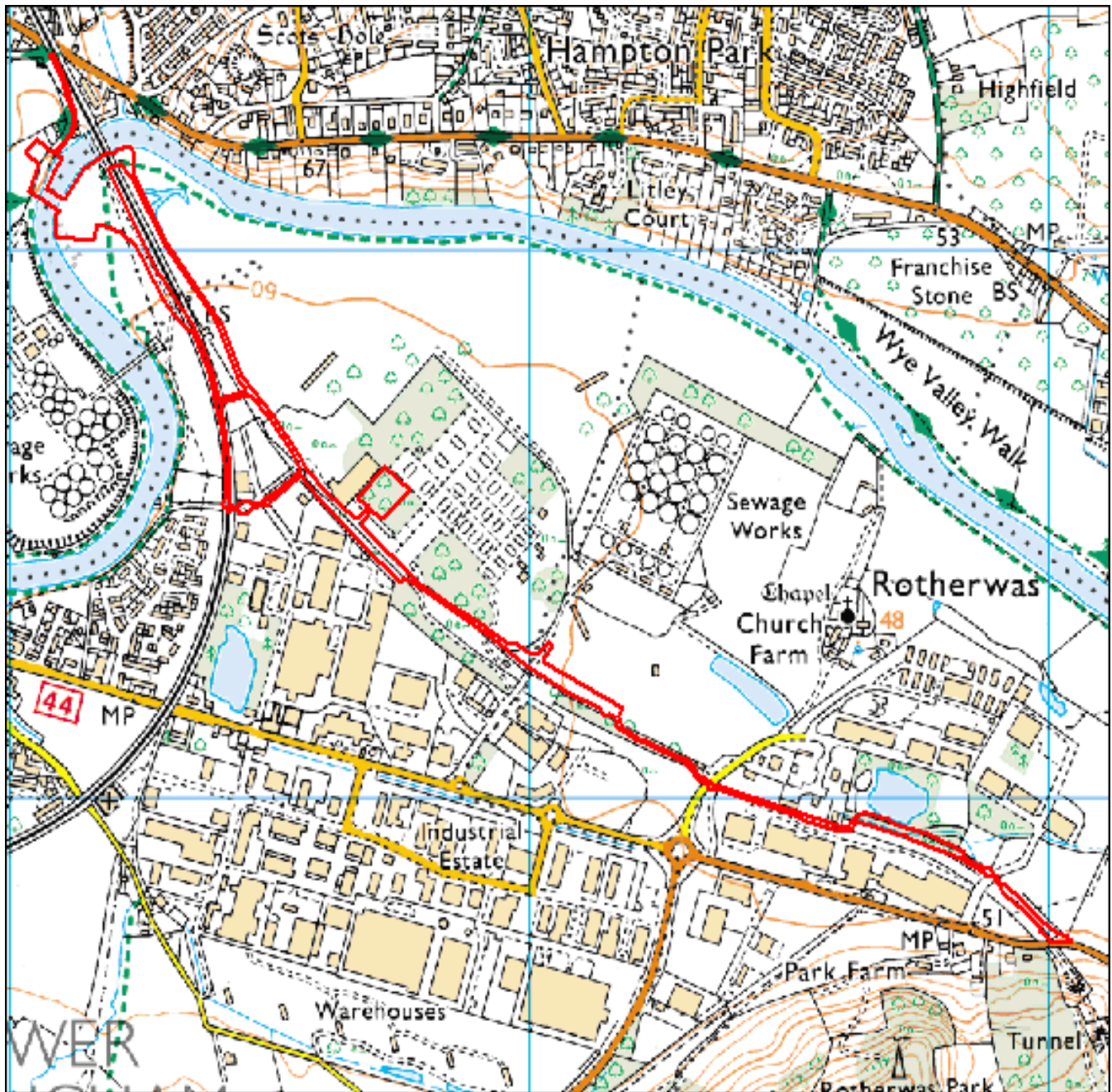
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMS/111601/F

SITE ADDRESS : FROM OUTFALL WORKS ROAD THROUGH ROTHERWAS TO B4399, HEREFORD

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 R Pryce on 01432 260288



MEETING:	PLANNING COMMITTEE
DATE:	31 AUGUST 2011
TITLE OF REPORT:	<p>DMS/111132/F- CHANGE OF USE OF LAND FROM AGRICULTURAL TO A ONE FAMILY TRAVELLER SITE INCLUDING SITING OF ONE MOBILE HOME, TOURING CARAVAN, SHED AND NEW ACCESS. AT FIELD, THE LEYS, LYNNE DOWN, MUCH MARCLE, HEREFORDSHIRE, HR8 2NS</p> <p>For: Mr Lee per Mr John Lee, 2 Barnett Close, Ledbury, Herefordshire, HR8 2LT</p>

Date Received: 3 May 2011

Ward: Old Gore

Grid Ref: 364759,230885

Expiry Date: 28 June 2011

Local Members: Councillor Cllr Barry A Durkin

Introduction:

This application was reported to the meeting on 10 August 2011, when its determination was deferred in order to have a site visit. This visit took place on 30 August 2011. The report has been updated.

1. Site Description and Proposal

- 1.1 The site is located within open countryside, in the parish of Yatton. The site is just over 9 kilometres from Ross-on-Wye and Ledbury. It is 2.4 km south of Much Marcle, which is the nearest defined settlement. The application comprises part of a 0.82 hectare field that is bounded by the A449 on the north west, to the northeast by a minor road to Kempley and to the east by a track. A public right of way (MM20) runs along this track. There are a small group of dwellings to the north of the application site, including the grade II listed Gamage Farmhouse.
- 1.2 The application proposes the change of use of agricultural land to enable stationing a mobile home, one touring caravan and a shed along the eastern boundary of the site. The application is submitted on the basis that the use would be for a single family of travellers. The eastern boundary adjoins the track and public right of way (MM20). An existing gated access on the north eastern corner where it adjoins Kempley Lane will be closed off and a new access point, serving an associated hardstanding area, would be created further north westwards along Kempley Lane. This will entail translocating 14 metres of hedgerow back 2 metres into the site. The existing hedgerow along Kempley Lane and towards the junction with the A449 road will be maintained at a height of 4 metres. Levels within the application site reduce gently from the boundary with the A449 towards the western boundary, where it is proposed to station the mobile home, touring caravan and shed. The roadside boundary is partly demarcated by hedgerow and metal railings at the northern end.

Further information on the subject of this report is available from Mr A Prior on 01432 261932

1.3 The application was accompanied by an ecological appraisal titled, 'Great Crested Newt survey of Gwynne's Hill Pond and The Leys'. The presence of this protected species and the failure to provide appropriate mitigation was a key factor resulting in an appeal being dismissed on 5 October 2009. The siting for the structures within the site and the location of the access further along Kempley Lane which form part of this current application have been revised in response to the Inspector's assessment of the application site and its elevated position in relation to the A449 road and the Grade 2 listed Gamage Farmhouse and adjoining buildings.

2. Policies

2.1 National Planning Guidance:

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG7 - Sustainable Development in Rural Areas
PPS9 - Biodiversity and Geological Conservation

Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites

Local Authorities and Gypsies and Travellers: A Guide to responsibilities and Powers, DCLG, 2007

2.2 Regional Guidance:

West Midlands Regional Spatial Strategy

2.3 Herefordshire Unitary Development Plan 2007:

S1 - Sustainable Development
DR1 - Design
DR2 - Land Use and Activity
DR3 - Movement
H7 - Housing in the Countryside Outside Settlements
H12 - Gypsy and Other Travellers
T8 - Road Hierarchy
LA2 - Landscape Character and Areas Least Resilient to Change
LA5 - Protection of Trees, Woodlands and Hedgerows
LA6 - Landscaping Schemes
NC1 - Biodiversity and Development
NC5 - European and Nationally Protected Species
NC6 - Biodiversity Action Plan Priority Habitats Species
NC7 - Compensation for Loss of Biodiversity
NC8 - Habitat Creation, Restoration and Enhancement
NC9 - Management of Features of the Landscape Important for Fauna and Flora

2.4 Other Material Considerations:

Herefordshire Council Travellers' Policy , 2008

Gypsy and Traveller Accommodation Assessment Shropshire, Herefordshire, Telford and Wrekin and Powys revised final report July 2008

Planning for traveller sites: DCLG Consultation Document published April 2011

3. Planning History

- 3.1 DCSE2008/2384/F – Change of use of land to a one family traveller site, including the siting of one mobile home, touring caravan, shed and a new access. – Appeal Dismissed – 5 October 2009.
DCSE2008/0719/F – Change of use of land to a one family traveller site, including the siting of one mobile home and touring caravan – Refused – 12 May 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 The Ramblers Association – no comments received.
4.2 Open Spaces Society – no comments received.

Internal Council Advice

- 4.3 The Transportation Manager recommends that conditions are attached providing visibility along the lane.
- 4.4 The Conservation Manager (Conservation) raises no objections as regards the impact on the setting of the listed buildings.
- 4.5 The Conservation Manager (Landscapes) – The application site comprises part of an open grass field which is bounded to the north-east by Kempley Lane and to the east by a track. A public right of way (MM20) runs along this track. There is a small group of dwellings, including Gamage farmhouse, to the north of the site. The application site falls within the landscape type described as Estate Farmlands in the Landscape Character Assessment. The site is hedged on all of its boundaries, although the hedgerow on the A449 frontage is less substantial. Part of the hedgerow along this frontage was missing but it is stated that replacement hedgerow planting has been undertaken to fill this gap.

The proposal is to site the development in the eastern part of the field, with a new vehicular access created off Kempley lane. Some measures have already been undertaken to improve screening of the site. This includes allowing the existing boundary hedgerows to grow up and also new planting. This comprises the section of new hedgerow planting on the A449 frontage, as mentioned above and also a new cross-field deciduous hedgerow, to form a compartment in the eastern part of the field (the application site) within which it is proposed to site the development. New orchard tree planting is proposed for the western part of the field. It is stated that the planting of new native tree species (Oak and Ash) is included in the landscape proposals; however, this planting is not identified on the block plan.

With regard to the previous application (DCSE2008/2384/F), the proposed location of the new vehicular access, to be approximately 20 metres in width, was opposite Gamage farmhouse. In this application, the proposed location of the new access is further along Kempley Lane and the proposed width of the access has been reduced to 11 metres. The intention is to translocate hedgerow to form the visibility splay.

In relation to visual impact, there would be views into the site from the A449 and from the new vehicular access on Kempley Lane. Views from footpath MM20 are restricted by boundary hedgerow but it appears that the tops of the caravans may be visible. The development would also be visible from some more distant vantage points on the higher land to the west of the

A449. However, in the longer distance views the proposed development would not be prominent; it would be seen as a small element within the wider landscape.

The extension of development into open countryside would cause some harm to the rural character of the landscape. However, if this site is acceptable in principle, I advise that the mitigation measures that have already been undertaken, in combination with the proposed mitigation measures and the reduction in width of the vehicular access will reduce the adverse visual and landscape effects as far as can be achieved.

It will take time for the mitigation to take effect – with regard to the new hedgerow and tree planting, it will take at least five years for this planting to grow sufficiently to provide significant screening and the development would be more prominent in winter months, when vegetation is not in leaf.

In the longer term, as the new planting matures, it is acknowledged that the proposed landscape scheme - the bolstering of existing hedgerows through gapping up, addition of hedgerow trees and the planting of new native species hedgerow and orchard trees will enhance the character of the landscape.

If permission is granted for this development, conditions G02: Retention of trees and hedgerows, G10: Landscaping scheme and G11: Implementation of landscaping scheme should be attached.

It is essential that the landscape plan clearly indicates which hedgerows and trees are existing and which are proposed (this is not clear on the submitted block plan). The location of the proposed Oak and Ash trees needs to be shown. A full planting specification needs to be provided for the hedgerow planting that has already been undertaken, the proposed hedgerow, tree and orchard planting.

As stated previously, (memo dated 3rd April 2008) I recommend that Oak (*Quercus robur*) and Ash (*Fraxinus excelsior*) trees should be planted at random intervals of between 10 – 15 metres, all the way around the perimeter hedgerows. These new hedgerow trees would help to filter views of the development, particularly from the A449 and from the higher ground to the west.

I recommend that the orchard planting should be in the form of a traditional 'standard' orchard; this comprises trees planted in a matrix. The orchard planting specification should include the size of the trees and the rootstock. I can provide further technical advice on suitable planting specifications, if required.

4.6 The Conservation Manager (Ecology) raises no objections subject to conditions controlling staging of works and details for habitat enhancement being agreed. The additional enhancement measures are welcomed but if these are not feasible close to the existing breeding pond (outside of applicant's control) there may be opportunities to create a small pond in the northern corner of the application site. New hedgerow planting across the site will result in an improved habitat connectivity.

4.7 Planning Policy Manager comments summarised as follows:

Herefordshire UDP:

A strategic objective of the UDP is to meet the housing need of communities throughout the County (S3 – Housing). This approach is supported by national planning guidance (PPS3 - Housing). However in conjunction with this, Herefordshire Council seeks to promote sustainable development and of particular relevance to the application is the need to conserve and enhance the natural environment while respecting local distinctiveness and character. Specific planning policy is provided on the delivery of Gypsy and Traveller accommodation in

UDP policy H12. The following paragraphs examine the criteria for Gypsy and Traveller accommodation development.

The site is within reasonable distance of local services and facilities: The site is 2.6km from Much Marcle, which is identified within Herefordshire Council's Rural Settlement Hierarchy (November 2010) as containing 6 key day to day services. This identifies Much Marcle as a sustainable rural location. It is recognised that within a rural setting the use of private motorised transport is likely to be higher than within an urban context. Accordingly it is proposed that 5km is an accessible threshold within the emerging Local Development Framework. As the site is within this distance, it is considered to be in reasonable distance to local services and facilities. Notwithstanding that public transport is available adjacent to the site to provide access to Much Marcle and wider settlements further enhancing accessibility from the site.

The site should be small: While the development proposals 1 mobile homes and 1 touring caravan, the site itself is relatively large (0.82 ha as stated on the application form). However, as highlighted on the submitted plans, planting in March 2011 provides a clear boundary which clearly decreases the size of the site. Accordingly it is felt that the site is of appropriate size for the proposed use.

Adequate screening: These comments should be read in conjunction with the views of Herefordshire Council's Conservation department. However, from the plans submitted, the site is enclosed with new and existing vegetation to mitigate visual impact.

Residential amenity: The site proposed appears sufficient to meet the needs of the applicant.

Material Considerations: Gypsy and Traveller Accommodation Assessment (July 2008)

The GTAA (July 2008) identified a need for 109 pitches for Gypsy and Traveller accommodation by 2017 of which 83 are to be delivered by 2012.

Herefordshire Council's Annual Monitoring Report 2009 – 2010 (published February 2011) identifies that 27 pitches had been delivered. Since March 2010 a further 9 pitches have been delivered reducing the need to 47.

Emerging Local Development Framework

Herefordshire Council's Core Strategy has been subject to consultation in January 2010 (Options paper) and Autumn 2010 (preferred options). It proposed that a second round of preferred option consultation will be undertaken in September / October 2011. Accordingly the core strategy is afforded limited weight due to the stage of progression. The preferred option is seeking to meet the defined need of the GTAA and sites will be supported in sustainable locations within 5km of settlements containing basic day-to-day needs. Site specific issues relating Gypsy and Traveller accommodation will be examined within the subsequent Market Towns and Rural Areas Plan.

To meet the defined need Herefordshire Council have undertaken a Call for Sites for land parcels suitable for Gypsy and Traveller accommodation. 11 sites in total have been submitted and are undergoing appraisal. Currently it would be premature to speculate how many sites would come forward either now (i.e. in line with UDP policy) or within site specific development plan documents. Notwithstanding this early indications are that there may be sufficient sites from this source to meet the remainder of the 2012 need alongside an element of the 2012 to 2017 need.

Conclusion

Further information on the subject of this report is available from Mr A Prior on 01432 261932

The comments above should be read in conjunction with comments received from other departments including conservation who are able to provide technical knowledge on issues around biodiversity, landscape and impacts upon the setting of statutory listed buildings. However, in terms of planning policy the site appears to be in conformity with policy H12 and the general housing and sustainability objectives of the UDP.

4.8 Public Rights of Way Manager has no objections.

4.9 Environmental Health and Trading Standards Manager has no objections subject to details for any external lighting.

5. Representations

5.1 Much Marcle Parish Council object to the planning application on the following summarised grounds:

- Adverse impact on landscape, not nullified by screening, given topography and relationship to listed building.
- Not within reasonable distance of services. Facilities 1.5 miles away along busy Class A road (used by 2500 vehicles a day).
- How can applicants integrate by integrating buildings with Gamage Farm complex? A 4 metres high hedge will preclude this.
- Extending hedgerow on A449 road will obscure vision, hence the reason railings were installed.
- All applications should not be treated without preferential treatment to any particular group, be it a minority of one or in the majority. i.e in line with Mr Pickles 'consultation document.

5.2 Twenty four of letters of objection have been received from local residents. These are summarised as follows:

- Discount policies stated in Design & Access Statement.
- Treat as is if dwelling in open countryside.
- Loss of hedgerow, several hundred years old.
- New hedgerow takes over 10 years to establish.
- Allowing hedgerow to grow more than 4 metres high does not allow for clustering visually; it isolates the site.
- Affects vista along A449.
- Affect views from Perrystone Hill.
- Reduction in property values.
- Loss of security.
- Not sustainable use of land.

- There are sites on A49 and on Walford Road
- Applicants claim rights under Article 8 of Human Rights Act. What about our rights of enjoyment/amenity and right to object?
- Site occupied by Great Crested Newts.
- Establishes precedent.
- Car dependent. Lack of facilities only shop and Post Office in Much Marcle, which could close at anytime.
- Dangerous cross-roads.
- Growing hedgerow along A449 will obstruct visibility.
- Drainage issue. Will discharge onto A449.
- Water connection is mine.
- Applicant is not homeless, has home in Ledbury.

5.3 Five letters of support have been received. These state that the applicants have worked and lived in the area and should be considered local, they want a place to raise their family, the site will be kept clean and tidy it will cause no inconvenience, they are good neighbours and of good character.

5.4 The full text of these letters can be inspected at Planning Services, Franklin House, Commercial Road, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The application site lies in open countryside where residential development is strictly controlled but in the context of this proposal for a single traveller family, the exception identified in Policy H7(6) and more specifically the criteria based Policy H12 of the Herefordshire Unitary Development Plan are the key considerations. In addition to the adopted Development Plan policies, it is considered that the guidance set out in Circular 1/2006 and the need identified in the Gypsy and Travellers Accommodation Assessment (GTAA) (July 2008) as the most up-to-date documents are key material considerations. Furthermore the issues resulting in the refusal of the previous application and recent appeal decision relating to this site has established a number of key principles that provide a focus for the detailed appraisal set out below.

6.2 In terms of the broad principle of this proposal, the status of the applicant and his family as Romani Gypsies falling within the definition of gypsies and travellers as set out in Circular 01/2006 is not questioned. As such the application is reasonably capable of being treated as an exception in accordance with Policies H7 and H12 of the Herefordshire Unitary Development Plan and by reference to the issues upon which the Inspector deliberated it is considered that the following matters are key considerations in the determination of the application:

- (a) the proximity and accessibility of the site in relation to services and facilities;
- (b) the effect on the character and appearance of the surrounding area;
- (c) the effect on the setting of nearby listed buildings and;

Further information on the subject of this report is available from Mr A Prior on 01432 261932

(d) wildlife and nature conservation issues.

- 6.3 In addition to these key aspects that were identified by the Inspector in her consideration of the previous appeal, there are a range of other material considerations that need to be weighed up such as the shortfall of sites to meet the identified need for gypsy and travellers sites and the personal circumstances of the applicant.

Proximity to services and facilities

- 6.4 It is evident that this was one of the key priorities arising in the determination to dismiss the previous appeal. Policy H12, whilst permissive requires sites to be sustainable in terms of their proximity to local services and facilities. The site is 2.4 km away from Much Marcle (a smaller settlement) and given the lack of footpaths and highway verges in the locality it would not be practical for users of the site to walk this distance. There is a bus route using the A449 road passing the bottom of Kempley Lane, however this service is sporadic. The Inspector even having regard to the pragmatic approach advocated by Circular 1/2006 considered that the site was not a sustainable one and as such was contrary to Policies S1 and H12. There have been no specific changes since the appeal decision that would make the site any more sustainable. However I am mindful of the comments made by the Planning Policy Manager with regard to the emerging policies of the Core Strategy which is suggestive of a 5 km distance from defined settlements with day-to-day services being a reasonable threshold, albeit in my view this emerging policy cannot be given any weight at this stage.

Effect on the character and appearance of the surrounding area

- 6.5 It is considered that the main issues relate to the perception of the site when viewed against the complex of buildings at Gamage Farm. The site is elevated in relation to the A449 road, but could with the planting of hedgerow along the southern boundary of the site create a relatively well screened compartment for this otherwise open field. This new hedgerow would also assist in filtering views of the two caravans and shed. Furthermore the proposal incorporates tree planting in the undeveloped part of the field that would in time enhance the site in a manner consistent with the character of the wider locality. It is understood from representations received that the applicants have attempted to plant a boundary hedge, but without success. This is a matter that can reasonably be made the subject of a planning condition that would secure ongoing replanting in the event that specific plants fail to establish. The revised siting provides a backdrop of hedgerow, but more importantly having regard to the previously refused scheme, will result in the loss of hedgerow further up Kempley Lane and away from Gamage farmhouse. Some of the proposed planting is not on the application site but would be on land owned by the applicant and its implementation can appropriately be required by conditions.
- 6.6 The development will have an impact but it is a localised one. I consider that the revised proposal offers an improvement to the refused scheme and whilst the repositioning of the caravans away from existing residential development (Gamage Farmhouse), I attach weight to the Inspectors conclusions in relation to the appeal where she concluded that the previous scheme was not result in an unacceptable degree of harm to the character and appearance of the surrounding area.

Effect on setting of nearby listed buildings

- 6.7 The Inspector has previously concluded in relation to the earlier refused scheme that the removal of hedgerow opposite Gamage Farmhouse to create a new driveway and the siting of the caravans would reduce the visual intimacy of Kempley Lane and that the caravans would not relate well to the existing group of dwellings (the farmhouse and converted stable building) such that there would be conflict with Policy HBA4. The current proposal retains the hedgerow

opposite the farmhouse by creating a new access further up Kempley Lane diagonally opposite a much wider access into Gamage Farm. The caravans are also sited further away from Gamage Farmhouse. The Conservation Manager does not raise any concerns in relation to the setting of the listed building and accordingly, it is considered that these two revisions result in a scheme that satisfies the requirements of Policy HBA4.

Wildlife and nature conservation issues

- 6.8 The likely presence of Great Crested Newts (GCN) and the absence of an appropriate survey incorporating mitigation was a fundamental flaw in the previous proposal. This issue has been subsequently addressed through the submission of a GCN survey. The survey identifies a medium sized (potentially large) newt population in ponds within a 500 metres radius of the site and these ponds benefit from likely hibernation habitats in closer proximity than the application site and its associated hedgerows. Clearly whilst this does not rule out the possibility that newts may use the application site for hibernation purposes the risk of this is limited and would be mitigated by careful monitoring at the time of any works to the hedgerows. It is recommended that additional enhancement measures in the form of the creation of a pond in the northern corner of the applicant's field should be undertaken if attempts to provide mitigation closer to the existing ponds does not prove possible.
- 6.9 These measures together with the biodiversity benefits of the proposed orchard planting (a Herefordshire Biodiversity Action Plan Priority Habitat) are supported by the Conservation Manager and as such, subject to conditions, the proposal is in accordance with Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.

Other matters

- 6.10 It is clear that the Inspector gave significant weight to the substantial unmet need for travellers sites that has been identified through the GTAA and the particular accommodation needs of the applicants. The needs of the applicant have not fundamentally changed and at the present time there is a need to provide a further 49 pitches by 2012. These are factors that weigh in favour of the application. However since the appeal the Council has undertaken a "Call for Sites", the result of which is that 11 sites have come forward and are currently undergoing appraisal. Whilst the early indication is that these sites may be sufficient to meet the remainder of the 2012 need and an element beyond this time, there is currently no certainty as to when the sites would come forward and the actual locations are not in the public domain. Therefore it is considered that little weight can be attached to this presently.
- 6.11 The personal circumstances of the applicant and his family, whilst being a material consideration can only be given limited weight and this was certainly not a decisive matter during the consideration of the appeal. Neither was the likely interference to the Human Rights of the family who, albeit currently living in accommodation that is not suitable for their needs would not be deprived of their established home.
- 6.12 In light of the revised access arrangements, additional consideration has been given to the new point of access and the associated visibility. The Traffic Manager raises no objection and as such it is considered that the requirements of Policies DR3 and T8 are satisfied.

Conclusion

- 6.13 The application is locally sensitive and whilst the range of issues that must be taken into consideration remain, the appeal decision has provided a clear framework upon which to focus attention. It is maintained that the site is not sustainable in terms of its location in relation to local services and facilities however the application has successfully addressed matters relating to the setting of listed buildings and nature conservation, whilst maintaining an acceptable localised impact upon the landscape character of the site and the surrounding

area. The unmet need for travellers sites must be given considerable weight and in view of the limited progress that has been made towards bringing forward sites to meet this need, this is considered to outweigh concerns in relation to the somewhat isolated location of the site.

6.14 Accordingly, I recommend the application for approval subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **C01 Time limit for commencement (full permission)**
2. **C06**
3. **The site shall not be occupied by persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006 or any subsequent superseding publication.**

Reason: The permission is granted in recognition of the exceptional circumstances that apply to sites for gypsies and travellers that accord with Policy H12 of the Herefordshire Unitary Development Plan.

4. **No more than one static caravan and one touring caravan shall be stationed on the site at any one time**

Reason: The local planning authority wish to control the specific use of the land in the interest of local amenity and to comply with Policies DR2 and H12 of the Herefordshire Unitary Development Plan.

5. **C88 Retention of trees and hedgerows**
6. **C96 Landscaping scheme**
7. **C97 Landscaping scheme - implementation**
8. **No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the existing contours and ground levels and the proposed grading of the land areas including the contours and levels to be formed. Cross sections through the site of the existing and propose levels must be included, to show the relationship of the proposed grading to the surrounding landform and existing vegetation. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect the character and appearance of the area to ensure that development conforms with Policies DR1, LA2, LA5 and HBA4 of the Herefordshire Unitary Development Plan.

7. **The use shall not take place until detailed plans identifying the position of the safe play area for children and an area for work and storage on the site shall have been submitted to in writing for approval by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.**

Reason: In order to comply with the requirements of Policy H12 of Herefordshire Unitary Development Plan.

8. **CC1 Details of floodlighting/external lighting**

Further information on the subject of this report is available from Mr A Prior on 01432 261932

- 9. CD1 Nature Conservation - Implementation
- 10. CD2 Habitat Enhancement Scheme
- 11. CAC Visibility over frontage
- 12. CAB Visibility splays
- 13. CAD Access gates
- 13. CAD Access gates
- 14. CAG Access closure
- 15 CAH Driveway gradient
- 17. CAL Access, turning and parking

Informatives:

- 1. I30
- 2. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work
- 3. N15 Reason(s) for the Grant of PP/LBC/CAC

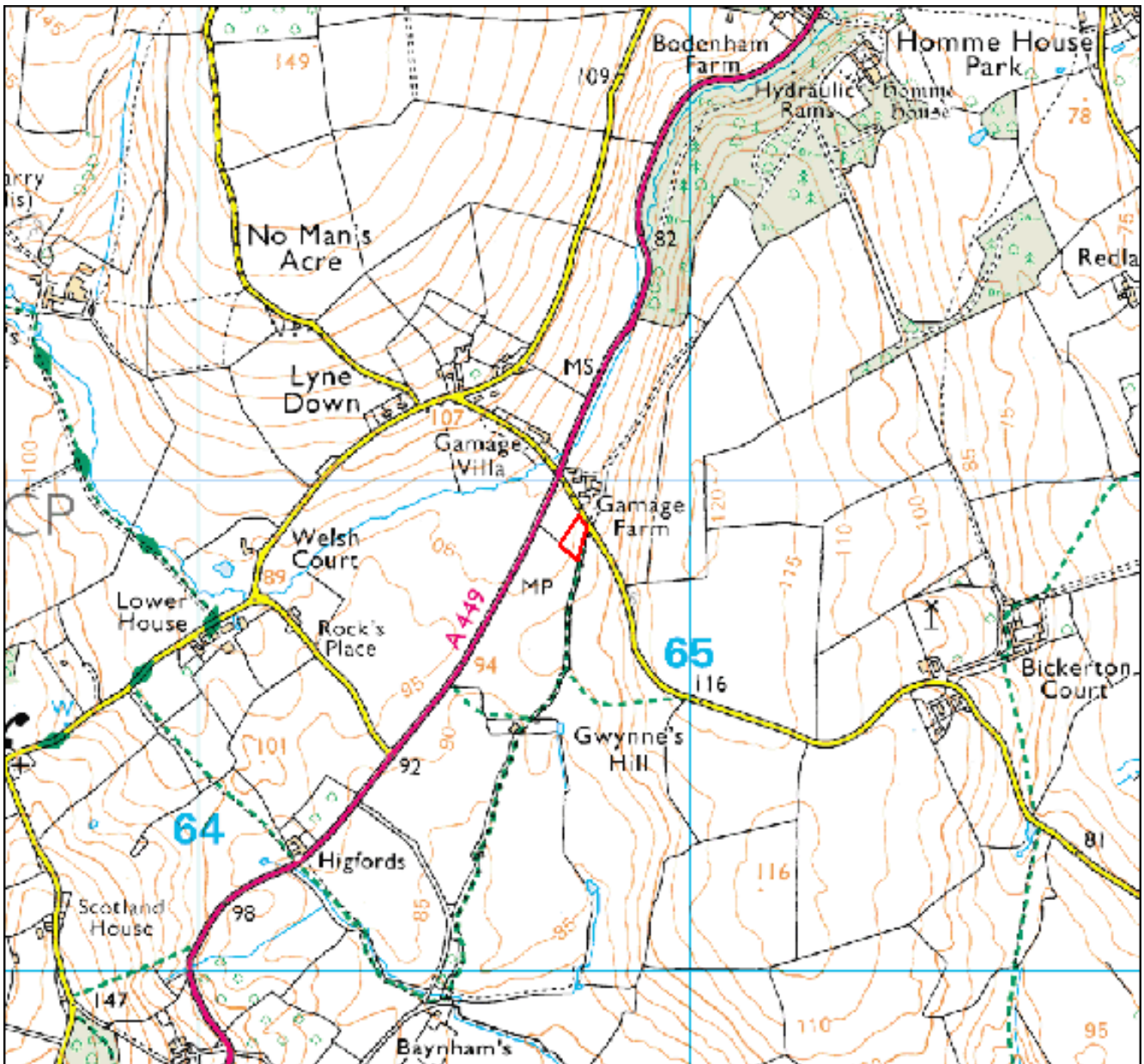
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: DMS/111132/F

SITE ADDRESS : FIELD, THE LEYS, LYNNE DOWN, MUCH MARCLE, HEREFORDSHIRE, MUCH MARCLE, HEREFORDSHIRE, HR8 2NS

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 A Prior on 01432 261932



MEETING:	PLANNING COMMITTEE
DATE:	31 AUGUST 2011
TITLE OF REPORT:	<p>DMN/111429/F - TO DEMOLISH EXISTING DORMER BUNGALOW AND REPLACE WITH HIGHLY ENERGY EFFICIENT AND SUSTAINABLE 4 BEDROOM HOUSE AT HEDGEBANK, OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE, WR13 6EZ</p> <p>DMN/111430/C - TO DEMOLISH EXISTING DORMER BUNGALOW AND REPLACE WITH HIGHLY ENERGY EFFICIENT AND SUSTAINABLE 4 BEDROOM HOUSE AT HEDGEBANK, OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE, WR13 6EZ</p> <p>For: Mr Bradley per Mr I C Bradley, Hedgebank, Old Church Road, Colwall, Herefordshire, WR13 6EZ</p>

Date Received: 3 June 2011

Ward: Hope End

Grid Ref: 375452,242804

Expiry Date: 16 August 2011

Local Members: Councillor AW Johnson and Councillor CNH Attwood

1. Site Description and Proposal

- 1.1 This site, which is located within the village boundary and Conservation Area, flanks the southern side of Old Church Road (C1165) and is surrounded by existing dwellings. The site constitutes an existing dormer bungalow set within a large garden. There is a mature hedgerow on the site frontage with a grass verge in front, with the vehicular access in the north-eastern corner and which forms a double access with the dwelling to the east.
- 1.2 The proposal is for a replacement dwelling. This would be a two-storey dwelling with a basement. The walls will be externally finished/clad in white/cream render with some natural stone and timber cladding. The roof will be clad in natural or reconstituted slate coloured grey/black. The existing vehicular access will be sealed and a new vehicular access created at the western end of the road frontage. Conservation Area consent has also been applied for as the proposal involves the demolition of an existing dwelling.

2. Policies

- 2.1 Planning Statements

Further information on the subject of this report is available from Mr N Banning on 01432 383093

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPS5 - Planning for the Historic Environment

2.2 Herefordshire Unitary Development Plan

- S2 - Development Requirements
- DR1 - Design
- DR3 - Movement
- H4 - Main Villages: Settlement Boundaries
- H13 - Sustainable Residential Design
- H16 - Car Parking
- T11 - Parking Provision
- LA1 - Areas of Outstanding Natural Beauty
- HBA6 - New Development Within Conservation Areas
- HBA7 - Demolition of Unlisted Buildings Within Conservation Areas

2.3 The Colwall Village Design Statement

3. Planning History

- 3.1 DMN/110623/F – Demolish existing dormer bungalow and replace with 4-bedroom house. Refused Planning Permission 4 May 2011.
- 3.2 DMN/110624/C – Demolish existing dormer bungalow and replace with 4-bedroom house. Refusal of Conservation Area Consent 4 May 2011.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Consultations

- 4.2 The Transportation Manager has no objections.
- 4.3 The Conservation Manager comments that none of the trees protected by the adjacent Tree Preservation Order will be impacted by the proposed development. The new entrance and drive will not have a negative impact on Old Church Road streetscape and the large fruit tree in the north-west corner should be retained and the root area protected. A condition should be added on any permissions granted to protect this tree and the mature planting present to the rear of the site. This area is part of Colwall's post war suburban growth and, as such, the proposal is unlikely to have any significant impact on its character.

5. Representations

- 5.1 The applicant states that the proposed dwelling incorporates the footprint of the existing dormer bungalow to create a building which combines good design, sustainability and improves its energy rating. The existing building has no architectural merit. The current proposal is in line with the Herefordshire Council Local Development Plan – Sustainable Appraisal which encourages well designed, high quality development. The proposed dwelling is an environmentally sustainable building using the latest energy efficient building materials. The proposed ground floor has been kept close to the existing footprint of the dormer bungalow. There is a mix of two-storey houses in Old Church Road. The proposed new dwelling will improve the character of the site and the surrounding area. The proposed new

dwelling will have a roofline only 2 metres higher than the roofline of the existing dwelling on site. The new access/parking arrangements will be improved. The existing hedges will be retained except for the position of the new vehicular access. No historic features on the application site. The proposed dwelling will not result in any adverse over-looking of neighbours from windows nor any over-bearance.

5.2 The Parish Council state:

‘The Committee raised objections to this proposal as it appeared to contravene Unitary Development Plan DR1 Design (3) “respect the context of the site, taking into account townscape and landscape character and topography including the impact” as well as HBA6 New Development Within Conservation Areas (2) “the proposed development shall respect the scale, massing and height in relation to adjoining buildings, and the general pattern of heights”.

Concerns were also expressed regarding the new entrance emerging on to the narrowest part of Old Church Road.’

5.3 There have been 15 letters of objection from local residents. The main points being:

- The current proposal does not differ from the previous application in terms of its impact on neighbouring dwellings.
- The proposed building is significantly larger than the existing dwelling and will be highly visible in the area.
- The existing entrance is safer than the proposed new access.
- The access splays opposite the proposed new entrance is not a lay-by for public use but is private property.
- The current proposal is still very similar to the previous proposal which was refused and, as such, is still out of character with surrounding area and still contrary to planning policies.
- The proposal can be seen from various locations on the Malvern Hills. Within Area of Outstanding Natural Beauty.
- Any demolition works need to comply with health and safety legislation and undertaken during normal working hours.
- Any approval should ensure that equivalence between current and new build ground levels.
- Modern design not suitable to the Colwall Conservation Area.
- The proposed building is much larger than surrounding properties.
- A replacement dwelling should match the size of the existing dwelling on site.
- All vehicles should park on site.
- The proposal contrary to provisions of ‘The Colwall Village Design Statement’.
- None of the previous objections have been addressed.
- Major over-shadowing and loss of privacy to existing dwelling to the west resulting in loss of residential amenities. The proposal has a western wall which extends beyond the south rear wall of the adjacent dwelling to the west which will over-shadow the dwelling’s south and east accommodation, windows and sight lines.
- The proposed floor area appears to be 2½ times as large as the floor area of the existing dwelling and the square footage of the new building will be the largest building in terms of mass and square footage in the immediate locality and, as such, dominate it.
- Proposed footprint is not similar to existing building.
- The new garage and access will be adjacent to the neighbour’s dwelling to the west and would affect residential amenities.
- The proposal will adversely affect Area of Outstanding Natural Beauty.

5.4 The full text of these letters can be inspected at Planning Services, Franklin House, Commercial Road, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 The main issues relate to:

- (i) The size and design of the new dwelling and its effect on the appearance and character of the surrounding area within a designated Conservation Area and Area of Outstanding Natural Beauty.
- (ii) The effect on the residential amenities of the neighbouring dwellings.
- (iii) Vehicular access arrangements.
- (iv) Landscaping.

The most relevant Policies in the Herefordshire Unitary Development Plan with respect to these issues are S2, DR1, DR3, H4, H13, HBA6 and HBA7.

6.2 The proposed dwelling is positioned on a similar footprint to the existing dwelling. However, the rear wall of the main structure of the building would be approximately 4 metres further back (ie to the south) than the rear wall of the main structure of the existing building. With respect to the roofline, the highest ridge level of the proposed dwelling is 1.9 metres higher than the highest ridge level of the existing dwelling. There is a varied mix of dwelling types in the immediate area in terms of size and design. There are a large number of modern dwellings in the area. The site is within the village settlement boundary and therefore, in principle, the erection of a dwelling on this site is acceptable and in accordance with Policy H4 of the Herefordshire Unitary Development Plan. The existing dormer bungalow is a relatively modern building and has no real architectural merit to warrant its retention.

6.3 The proposed dwelling in terms of its size and design is considered to be acceptable in this location. It will not be out of keeping with the other dwellings in the area and will not over-dominate the area. The garden plot is large and the proposed dwelling fits neatly into the plot. The ridge line of the proposed dwelling will be approximately 1 metre higher than the ridge line of the adjacent dwelling to the west and approximately at the same level as the ridge line of the dwelling to the east although the latter appears to be at a slightly higher ground level. The proposed dwelling is also approximately the same height as one of the dwellings directly opposite on the other side of the road. The Conservation Officer has no objections to the proposal. It is considered the development will not have a significant impact on the character of the Conservation Area. The proposed external materials are also considered to be acceptable. In addition it is considered that the new dwelling located within this residential area within the village will have no adverse impact on the Malvern Hills Area of Outstanding Natural Beauty.

6.4 Planning Permission and Conservation Area Consent (ref nos. DMN/110623/F and DMN/110624/C) for the demolition of the existing bungalow and erection of a new dwelling were refused on 4 May 2011. It was considered that the proposed replacement dwelling was out of keeping with the visual appearance, character and setting of the area. In particular the design of the roof and windows were not in keeping with the character and appearance of the area. The roof pitch was too shallow and the windows were fairly bland. In this proposal the roof design has been altered to be more in keeping with the character of the area and the windows improved in terms of design ie introduction of glazing bars. It is therefore considered that the revised proposal has successfully addressed the refusal reasons in the previous applications and is in accordance with the relevant planning policies, in particular Policies S2, DR1, H13, HBA6 and HBA7 of the Herefordshire Unitary Development Plan.

- 6.5 It is considered that the proposed dwelling will not adversely affect the residential amenities of the occupants of the adjacent dwellings. There are mature trees on the side boundary with the dwelling to the east and that dwelling is set back away from the boundary and, as such, will not be adversely affected by the proposal which has limited window openings on the side wall. With respect to the dwelling to the west there is a mature hedgerow approximately 3 metres high on that section of the side boundary by the dwelling. In addition there are a very limited number of small windows on the side elevation of that dwelling. However, there are a large number of large windows at the rear of the neighbour's dwelling. The proposed dwelling has no windows at first floor level on the west facing elevation. It is considered that the proposed development will not adversely overlook nor result in adverse loss of privacy to the occupants of this adjacent dwelling. Nor will the proposal over-dominate nor result in an adverse loss of light to the dwelling. As such it is considered that the proposal will not result in the residential amenities of the occupants of the adjacent dwelling to the west being adversely affected. The residential amenities of other dwellings in the area will not be adversely affected. The proposed development is therefore considered to be acceptable and in accordance with the relevant planning policies and guidance.
- 6.6 The proposed vehicular access is considered to be acceptable and an improvement on the double vehicular access currently in place and accords with Policy DR3 of the Herefordshire Unitary Development Plan. The proposed parking and turning area within the site is also acceptable. The Transport Manager has no objections. The adjacent dwellings and the residential amenities of the occupants of these dwellings will not be adversely affected by the vehicular access/parking and garaging arrangements.
- 6.7 The loss of section of the conifer hedgerow to create the new vehicular access is not considered to be an issue. There is a group Tree Preservation Order along the front boundary of the site and adjoining properties consisting of 3 Ash and 1 Oak tree (ref 045/G15). However, none of these protected trees will be affected by the proposed development. The applicant intends to retain the existing hedgerows on the site.
- 6.8 The comments of the objectors have been fully considered but they are not considered to be sufficient to warrant refusal of the applications. The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance, in particular Policies S2, DR1, H4, H13, LA1, HBA6 and HBA7 of the Herefordshire Unitary Development Plan and also the provisions of the Colwall Village Design Statement.

RECOMMENDATION

With respect to DMN/111429/F that planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. I51 Details of slab levels**
- 5. H13 Access, turning area and parking**
- 6. G02 Retention of trees and hedgerows**
- 7. F16 No new windows in specified elevation**

- 8. I16 Restriction of hours during construction
- 9. H27 Parking for site operatives
- 10. H08 Access Closure

INFORMATIVES:

- 1. N15 Reason(s) for the Grant of Planning Permission
- 2. N14 Party Wall Act 1996
- 3. HN01 Mud on highway
- 4. HN05 Works within the highway
- 5. HN10 No drainage to discharge to highway
- 6. HN28 Highways Design Guide and Specification

With respect to DMN/111430/C that Conservation Area Consent for demolition in a Conservation Area be granted subject to the following conditions:

- 1. D01 Time limit for commencement (Listed Building Consent)
- 2. B01 Development in accordance with the approved plans
- 3. No demolition on site whatsoever shall take place until a suitable contract has been formally agreed with a developer for the re-development of the site in accordance with a development scheme granted planning permission by the Local Planning Authority. Details of this formal agreement shall first be submitted to and be subject to the approval in writing of the Local Planning Authority prior to any demolition whatsoever.

Reason: To ensure that a suitable re-development of the site is approved prior to demolition in order to protect the visual amenities and character of the Conservation Area and in accordance with Policy HBA7 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

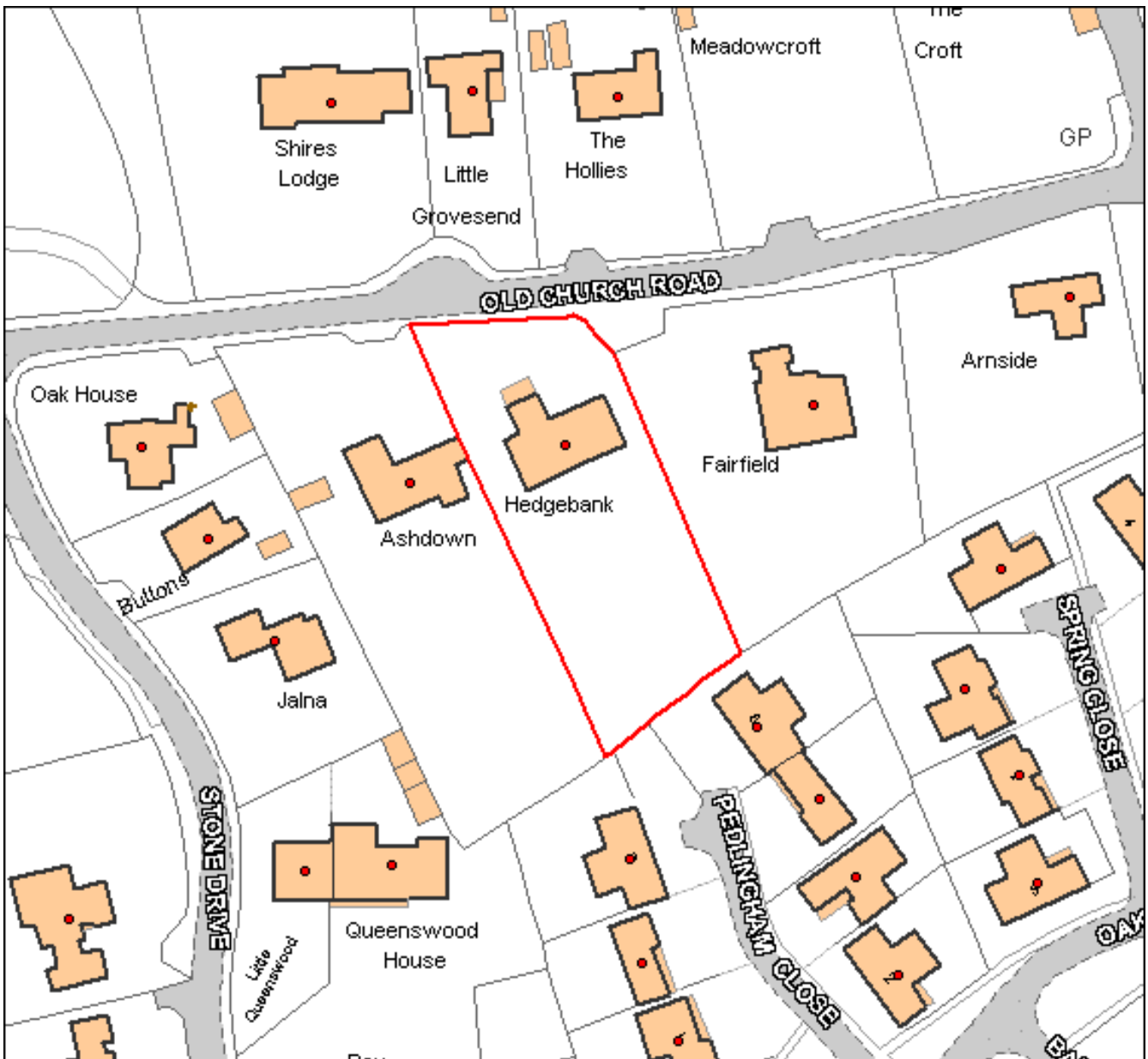
- 1. N15 Reason(s) for the Grant of Conservation Area Consent

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: DMN/111429/F

SITE ADDRESS : HEDGEBANK, OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE,
HEREFORDSHIRE, WR13 6EZ

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



MEETING:	PLANNING COMMITTEE
DATE:	31 AUGUST 2011
TITLE OF REPORT:	<p>DMS/111414/FH - PROPOSED REPLACEMENT GARDEN ROOM, BALCONY OVER NEW GARDEN ROOM, EXISTING STEEL WINDOW REPLACED WITH DOUBLE DOORS OPENING ONTO THE BALCONY. AT EDDE CROSS HOUSE, EDDE CROSS STREET, ROSS ON WYE, HEREFORDSHIRE, HR9 7BZ</p> <p>DMS/111415/L - PROPOSED REPLACEMENT GARDEN ROOM, BALCONY OVER NEW GARDEN ROOM, EXISTING STEEL WINDOW REPLACED WITH DOUBLE DOORS OPENING ONTO THE BALCONY. AT EDDE CROSS HOUSE, EDDE CROSS STREET, ROSS ON WYE, HEREFORDSHIRE, HR9 7BZ</p> <p>For: Mr Bartrum & J Roberts per Brook House Phocle Green, Ross-On-Wye, Herefordshire, HR9 7TN</p>

Date Received: 3 June 2011 **Ward: Ross-on-Wye West** **Grid Ref: 359799,224318**

Expiry Date: 25 August 2011

Local Members: Councillors G Lucas and CM Bartrum

1. Site Description and Proposal

- 1.1 Edde Cross House, an early C19 2 storey building, Grade II Listed Building, of stucco elevations painted an off-white colour under a slate roof is on the west side of Edde Cross Street. Merton House Hotel adjoins the property on its south side and The Malt House is to the north. The site is in the Ross-on-Wye Conservation Area and within the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 This application proposes the replacement of two early C20 single storey additions that are on the rear of the property with a single storey garden room with roof balcony and a timber decked bridge and a steel spiral staircase down to an existing paved patio area. The height of the garden room will be consistent with the sill heights of first floor windows in the rear elevation.

2. Policies

- 2.1 Planning Policy Statements:

Further information on the subject of this report is available from Mr D Thomas on 01432 261974

- PPS1 - Delivering Sustainable Development
- PPS25 - Planning for the Historic Environment

2.2 Herefordshire Unitary Development Plan:

- S2 - Development Requirements
- S7 - Natural and Historic Heritage
- DR1 - Design
- DR2 - Land Use and Activity
- HBA1 - Alterations and Extensions to Listed Buildings
- HBA4 - Setting of Listed Buildings
- HBA6 - New Development within Conservation Areas
- LA1 - Areas of Outstanding Natural Beauty

3. Planning History

3.1 There is no planning history.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Conservation Manager: No objection.

5. Representations

5.1 The Design and Access Statement in summary states:

- This application is for work on the garden side of the house and covers the replacement of two existing small outbuildings to provide one more usable space on the ground floor of this dwelling;
- The existing west elevation is confused and fussy as the outbuildings are not designed into the whole;
- This application would rationalise this elevation;
- The balcony over the garden room will provide an indoor outdoor space for the study which can be for an office.

5.2 Ross Town Council: Response awaited.

5.3 The full text of these letters can be inspected at Planning Services, Franklin House, Commercial Road, Hereford and prior to the Committee meeting.

6. Officer's Appraisal

6.1 Policy H18 which deals specifically with proposals for the alteration or extension of residential properties acknowledges they can have a significant effect on the character of the original building, the surrounding area and the amenities of adjoining residents. It is important therefore that the scale, siting and design of such development respect these aspects, so as to ensure adequate levels of privacy and environmental quality. .

6.2 Edde Cross House is not an original building. There are two modern single storey flat roof additions on its rear. These additions are small in scale and form so as to allow the

characteristic, scale and form of this early C19 building to remain dominant. The replacement garden room will be slightly larger than the additions it is proposed to replace; Edde Cross House will remain dominant.

- 6.3 The character of Edde Cross House derives from its Georgian form. Policy HBA1 seeks to protect the historic fabric of buildings as well as consider favourably the removal of later inappropriate alterations provided they do not merely make way for other detrimental proposals. This objective is further endorsed by PPS5 *Historic Environment Practice Guide* which makes the following points on alterations and additions: ‘the main issues to consider in proposals for additions to heritage assets...are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting...It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting.’
- 6.4 The structures which this application proposes to replace are considered to be of no architectural interest or historic value to the character and appearance of this Grade II listed building. They do not make a positive contribution to the character and appearance of the listed building. Also, they are a mismatch in size and form and appear as afterthoughts to the planned proportions of this early C19 building. As such there is no objection to the removal of them. Insofar as the replacement garden room is concerned the Conservation Manager considers the detail and form of the proposal relates well with Edde Cross House. Consequently, the proposal complies with the objectives of policy HBA1 and with the advice that is contained in PPS5. There will be no impact on either the Conservation Area or the Wye Valley AONB.
- 6.5 Impact on neighbours. The rear garden of Edde Cross House is overlooked by a first floor projecting bay window that is on the rear of The Malt House. The owners of Edde Cross House are also able to see into the neighbour’s property. The proposed sitting out area above the proposed garden room will look out over the rear garden of Edde Cross House, the height of boundary wall with The Malt House will prevent direct overlooking of the neighbours garden when the sitting out area is in use.
- 6.6 In conclusion the proposal complies with policies H18, HBA1 and HBA6 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 Time limit for commencement (full permission)**
- 2. **B01 Development in accordance with the approved plans**
- 3. **D02 Approval of details**
- 4. **D04 Details of window sections, eaves, verges and barge boards**

INFORMATIVES:

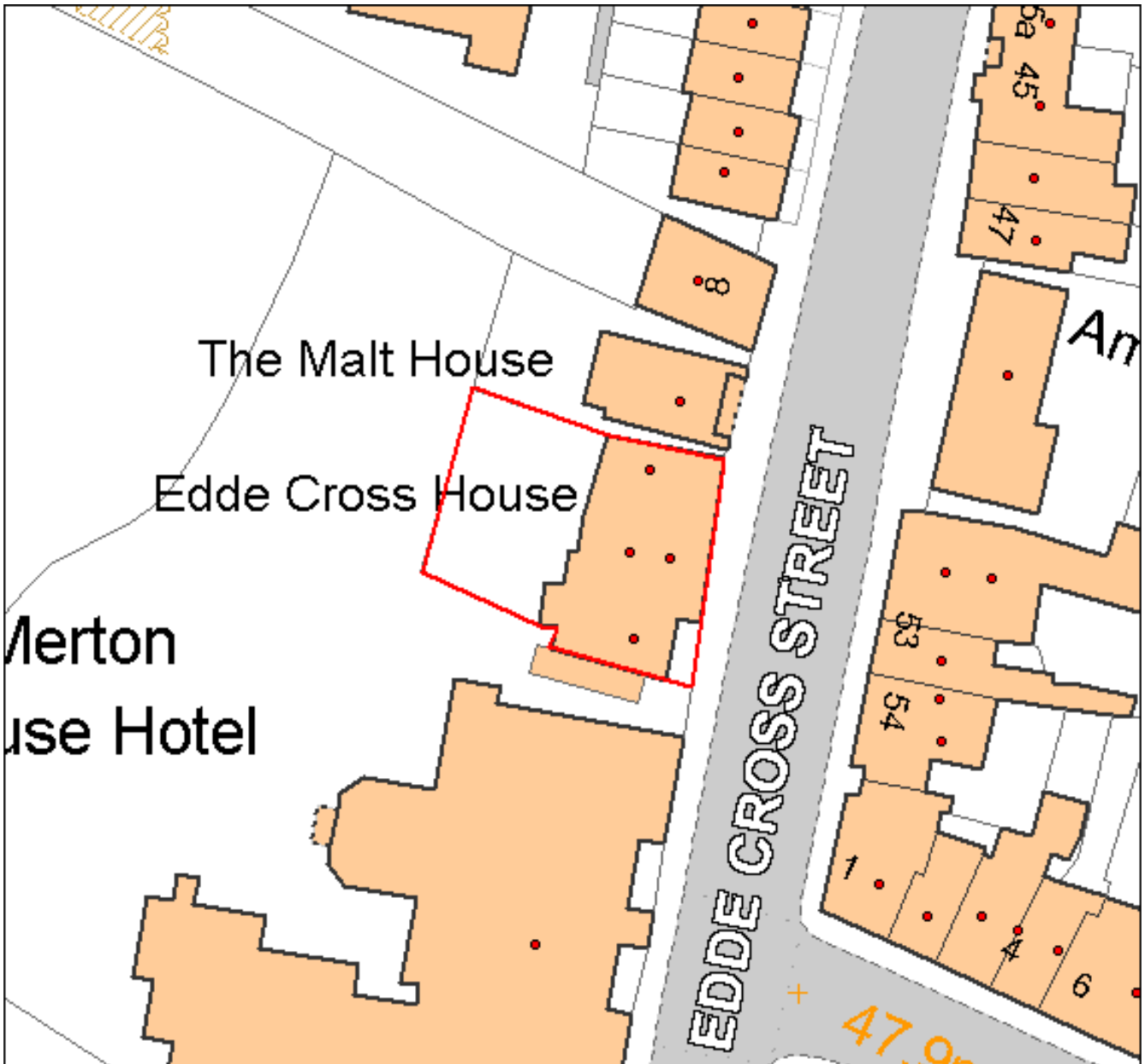
- 1. **N15 Reason(s) for the Grant of PP/LBC/CAC**

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: DMS/111414/FH

SITE ADDRESS : EDDE CROSS HOUSE, EDDE CROSS STREET, ROSS ON WYE, HEREFORDSHIRE, HEREFORDSHIRE, HR9 7BZ

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