

AGENDA

Planning Committee

Date: **Wednesday 27 June 2012**

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 JG Lester

Councillor MD Lloyd-Hayes

Councillor G Lucas

Councillor RI Matthews

Councillor FM Norman

Councillor GR Swinford

Councillor PJ Watts

Councillor JD Woodward

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
<p>1. APOLOGIES FOR ABSENCE</p> <p style="padding-left: 20px;">To receive apologies for absence.</p>	
<p>2. NAMED SUBSTITUTES (IF ANY)</p> <p style="padding-left: 20px;">To receive details of any Members nominated to attend the meeting in place of a Member of the Committee.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p style="padding-left: 20px;">To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>4. MINUTES</p> <p style="padding-left: 20px;">To approve and sign the Minutes of the meeting held on 6 June 2012.</p>	1 - 6
<p>5. CHAIRMAN'S ANNOUNCEMENTS</p> <p style="padding-left: 20px;">To receive any announcements from the Chairman.</p>	
<p>6. APPEALS</p> <p style="padding-left: 20px;">To be noted.</p>	7 - 8
<p>7. S102921/ O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN</p> <p style="padding-left: 20px;">Development of grass and all weather sports pitches, clubhouse, indoor training building, car parking and landscaping supported by enabling residential development of 190 units.</p>	9 - 78
<p>8. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX</p> <p style="padding-left: 20px;">An extension, part single storey and part double storey to existing school building, with associated landscaping and incorporating amendments to layout and appearance of existing school.</p>	79 - 88
<p>9. N121311/F - LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT</p> <p style="padding-left: 20px;">To erect a new building to be used for a mixed use for the purposes of agriculture and to install a wood chip boiler to provide a heat source to the dwellinghouses known as "Leadon Court" and "Little Leadon".</p>	89 - 94
<p>10. DATE OF NEXT MEETING</p> <p style="padding-left: 20px;">Date of next site inspection - 17 July 2012</p> <p style="padding-left: 20px;">Date of next meeting - 18 July 2012</p>	

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 6 June 2012 at 10.00 am

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

Councillors: PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, RC Hunt, JA Hyde, TM James, JF Knipe, MD Lloyd-Hayes, G Lucas, RI Matthews, FM Norman, PJ Watts and JD Woodward

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, AN Bridges, KS Guthrie, Brig. P Jones CBE, JG Lester and GR Swinford.

2. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors TM James, JF Knipe and JA Hyde attended the meeting as substitute members for Councillors PA Andrews, AN Bridges and JG Lester.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

The Democratic Services Officer advised Members of an error on page 10 of the minutes where Mr La Barre was referred to as a local resident and not the applicant's agent. The Committee also requested that the words 'from High Town' be included when referring to the removal of trees in paragraph two of minute item 186.

RESOLVED: That subject to the amendments detailed above, the Minutes of the meeting held on 16 May 2012 be approved as a correct record and signed by the Chairman.

5. CHAIRMAN'S ANNOUNCEMENTS

The Head of Neighbourhood Planning reminded the Committee in respect of an upcoming training event covering habitat regulations scheduled to take place on the afternoon of 27 June.

6. APPEALS

The Planning Committee noted the report.

7. S120237/FH - TRECORRAS FARM, LLANGARRON, ROSS ON WYE, HEREFORDSHIRE, HR9 6PG

The Development Manager (Hereford and Southern Localities) gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Phillips, representing Llangarron Parish Council, and Mrs Joseph, the applicant, spoke in support.

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

- There was great support for the application from the local residents and the Parish Council.
- The proposed extension would improve the amenity of the applicants.
- The extension would improve and enhance the existing farmhouse.
- The extension was more suitable than a new build, which would be the alternative.
- The applicants had reduced the proposal to offer an acceptable compromise,
- The application was in accordance with H8 of the Council's Unitary Development Plan as it made good use of an existing building.

Members opened the debate by stating that the application was finely balanced and seemed to be in keeping with the National Planning Policy Framework (NPPF) which was supportive of proposals that promoted sustainable developments. They were also of the opinion that the application was in accordance with Policies DR1, H18 and HBA12 of the Council's Unitary Development Plan (UDP) and it was further noted that the application was also in accordance with Policy H8 which related to agricultural dwellings.

The Committee noted that the functional need had been clearly met with the County Land Agent of the opinion that the farm could financially sustain a substantial farmhouse. It was noted that the existing farmhouse was small and that the extension would make it a suitable family home.

In addition to the Policies previously put forward for supporting the application, UDP Policy S1 was also referred to as the Committee were of the view that the proposals constituted sustainable development. It was also noted that the proposed extension would result in the removal of the existing portacabins which would result in an enhancement to the site as a whole as well as retaining the character of the barn conversion.

In response to the points made by the Committee, the Head of Neighbourhood Planning gave some guidance in respect of the policies referred to. He advised that the NPPF was in keeping with the UDP in as much as it encouraged the conversion of rural buildings. He added that HBA12 was clear in its aims to retain buildings rather than provide homes. He advised the Committee that the proposal would double the size of an existing dwelling and as a result of this the officers had deemed that it was contrary to policies HBA12 and H8 of the Council's UDP.

The Committee made further reference to the NPPF and quoted paragraph 9 which referred to improving the conditions in which people live. It was noted that at present that applicants' two teenage sons had to share a bedroom and that their conditions would be improved greatly if the application was approved.

Members continued to debate the application and were all of the opinion that it was finely balanced. It was felt that if the application was approved it may be beneficial to include an agricultural tie condition to ensure that the farmhouse was not sold separately at a later date. The Committee on balance felt that the proposed extension made the farmhouse more aesthetically appealing as well as improving the character of the area through the removal of the unsightly portacabins.

In response to a question regarding the proposed doubling in size of the dwelling through the extension, the Development Manager (Hereford and Southern Localities) confirmed that this calculation had not taken into account the existing portacabins and related solely to the floor plan of the existing dwelling.

Following the debate Members were of the opinion that the concerns raised in respect of an agricultural tie and the removal of the portacabins could be addressed through suitable and appropriate conditions.

The Locum Lawyer (Planning and Regulatory) addressed the mover and the seconder of the motion to approve the application contrary to the case officer's recommendation. She asked for clarification that they were satisfied that the application complied with UDP Policies HBA12, H18, and DR1, and the other relevant policies were as set out in the report. This was confirmed by both Members. She went on to address conditions with the Committee confirming that they were happy to delegate the final wording of the conditions and the imposition of any additional conditions to the officers, although it was noted that the conditions should include highways; materials; the removal of permitted development rights; compliance with submitted plans; an agricultural tie for the whole building; the removal of the existing portacabins as well as any other necessary conditions. It was also agreed that the final wording of the decision notice be delegated to officers in consultation with the Chairman and the local ward member.

In addition to the legal points addressed by the Locum Lawyer (Planning and Regulatory), the Development Manager (Hereford and Southern Localities) advised Members in respect of Policy HBA12. He advised them that the policy stated that the extension should not adversely affect the existing building. He noted that during the debate Members had stated that they did not believe that this would be the case and that they had stated that they believed that the extension would in fact improve the existing building and area. The mover and seconder of the motion agreed that: the development was in accordance with Policy S1 as the proposal was a sustainable farming enterprise; that weight should be given to the improvement of the site by the removal of the portacabins; and that the development would mean the building would be more in keeping with normal farmyard conversions. The Committee also gave additional weight to the imposition of an agricultural tie.

Councillor JA Hyde was given the opportunity to close the debate. She reiterated her opening remarks and requested that the application be approved.

RESOLVED:

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

- 3 Before work commences, details of the finishes to be used for all external joinery shall be submitted to the local planning authority. The work shall subsequently only be carried out in accordance with details approved in writing by the local planning authority**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the character of the building and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

- 4 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 and of Schedule 2, shall be carried out.**

Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of the Herefordshire Unitary Development Plan.

- 5 The occupation of the dwelling shall be limited to a person solely or mainly working or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.**

Reason: It would be contrary to Policies H7 and H8 of the Herefordshire Unitary Development Plan to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

- 6 Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking of 3 cars which shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any other purpose than the parking of vehicles.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

8. S113491/F - 1 BIRTLETONS, UPTON BISHOP, HEREFORDSHIRE, HR9 7UF

The Development Manager (Hereford and Southern Localities) gave a presentation on the application and updates / additional representations received following the publication of the agenda.

In accordance with the criteria for public speaking, Ms Floyd, the applicant, spoke in support of the application.

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 application was straightforward and should be approved.
- The application was for a modest dwelling and would make available the applicant's current social housing in the area.

- The proposed plot was secluded with no overlooking issues.
- Subsidence had been referred to in the report however this could be resolved through the removal of a number of trees which were not subject to preservation orders.
- NPPF paragraph 2.2 indicated a presumption in favour of sustainable development, the proposed application fell into this category.
- The Parish Council supported the application.

The Committee noted and understood the applicant's personal circumstances and her wish to be closer to her mother in the hamlet of Upton Crews. Reference was also made to the possibility of the application being in accordance with the forthcoming Upton Bishop Neighbourhood Plan, the applicant was advised to engage with the Parish Council in respect of this matter.

In response to the reference made to a Neighbourhood Plan, the Head of Neighbourhood Planning advised that Upton Bishop Parish Council had not formally notified the Council of their intention to prepare a neighbourhood plan.

Members continued to discuss the application and noted that the proposed dwelling was of a similar scale to the existing dwelling at 1 Birtletons. The general consensus was that a small extension or annexe to the original dwelling may have been looked on more favourably by the Committee. Concern was also expressed in respect of the loss of garden space and trees as a result of the application.

In response to a point raised by the Committee, the Development Manager (Hereford and Southern Localities) advised that the Traffic Manager had recommended conditions but that these were not included in the report as the case officer had summarised his comments. In response to a further question he advised that the trees on the site were not protected through tree preservation orders.

Members went on to debate the issue of the care of elderly family members. A number of examples were given where people had wanted to move closer to their family members but had been unable to do so due to issues with Homepoint or the planning process. Some Members felt that there should be some leniency shown in the application of planning policies where people are giving up their time to care for the elderly.

Some concern was expressed in respect of the definition of open countryside in the Council's Unitary Development Plan. It was noted that there were a number of houses within the vicinity of the proposed dwelling but it was still classed as being in open countryside in policy terms.

In response to a question, the Development Manager (Hereford and Southern Localities) advised Members that due to the scale of the proposal in relation to the existing house it would not be justifiable in planning terms to impose a condition to tie the new dwelling to the existing one. He further added that this would not be as problematic if the application was for a small extension or an annexe to the original house.

Councillor BA Durkin was given the opportunity to close the debate. He reiterated his opening remarks and requested that the application be approved.

RESOLVED

That planning permission be refused for the following reasons:

1. **The application site is located in the open countryside in a location that is not considered accessible by a choice of modes of transport, nor well related to local services or amenities. Accordingly, the proposal, in the absence of any overriding exceptional circumstances represents an unsustainable form of development that would be contrary to policies S1, H7, H9 and H10 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.**

9. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 11.35 am

CHAIRMAN

MEETING:	PLANNING COMMITTEE
DATE:	27 JUNE 2012
TITLE OF REPORT:	APPEALS

CLASSIFICATION: Open

Wards Affected

Countywide

Purpose

To note the receipt of the following appeals.

Key Decision

This is not a key decision.

Recommendation

That the report be noted.

Appeals Received

Application No. N 113160/F

- The appeal was received on 24 May 2012.
- 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 Robert Edwards.
- The site is located at Felton Court, Felton, Herefordshire, HR1 3PH.
- The development proposed is Erection of 1 no. 20kw wind turbine with a hub height of 20.6m and blade diameter of 13.1m.
- The appeal is to be heard by Written Representations.

Case Officer: Ms R Jenman on 01432 261961

Application No. S112776/F

- The appeal was received on 24 May 2012.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against non-determination.
- The appeal is brought by Mr Robin Cheesman.
- The site is located at Ganarew Care Home, Ganarew, Nr. Monmouth, NP25 3SS.
- The development proposed is Construction of dormer bungalow units to form assisted living accommodation.
- The appeal is to be heard by Written Representations.

Case Officer: Mr A Prior on 01432 261932

Application No. S120077/FH

- The appeal was received on 31 May 2012.
- 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 A Houghton.
- The site is located at Brick Kiln Barn, Ufton Court, Holme Lacy, Herefordshire, HR2 6PH.
- The development proposed is Proposed detached garage with games room over.
- The appeal is to be heard by Householder Procedure.

Case Officer: Mr E Thomas on 01432 260479

Application No. S113472/FH

- The appeal was received on 6 June 2012.
- 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 Andrew Marshall.
- The site is located at 2 Crossways, Howle Hill, Ross on Wye, Herefordshire, HR9 5SP.
- The development proposed is Proposed two storey extension.
- The appeal is to be heard by Written Representations.

Case Officer: Mr D Thomas on 01432 261974



MEETING:	PLANNING COMMITTEE
DATE:	27 JUNE 2012
TITLE OF REPORT:	<p>S102921/ 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 Member: Councillor J Hardwick

1. Background and Introduction

- 1.1 This application was first considered by Planning Committee on 31 August 2011. The previous Committee report, Committee updates as reported to Committee and the Committee minutes are appended to this report. The officer recommendation was for the application to be refused for two reasons. The first concerned the fact the site fell within open countryside in policy terms and the consequential adverse landscape and visual impact of the development and the loss of orchard was in conflict with adopted Unitary Development Plan policies. The second refusal reason was that at the time of consideration of the development, there was an outstanding objection from Natural England and the Council's ecologist concerning the possible impact of the development on the River Wye Special Area of Conservation.
- 1.2 Following a comprehensive debate, delegated authority was granted to officers to approve the development subject to the resolution of four issues as set out below:
- a) There being no further representations or consultations raising new material planning considerations by the end of the amended plan consultation period;
 - b) The resolution of the outstanding objection from Natural England;
 - c) The resolution of other issues identified in the officer's appraisal, and;
 - d) The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the matters raised in the officer's appraisal and any additional matters considered necessary by officers.

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

- 1.3 Following further legal advice, it is necessary to bring the development back to Planning Committee for reconsideration. The reasons for this are as follows:
- a) To update members and allow further consideration of the four requirements set out in the previous recommendation for approval.
 - b) To consider whether the adoption of the National Planning Policy Framework materially changes the planning policy considerations.
 - c) To consider the Council's current supply of housing land and any ramifications arising from this.
 - d) To consider recent case law concerning the reasons given for the approval of a development contrary to the officer recommendation.
- 1.4 The proposed development remains unchanged from that previously considered and therefore this report primarily focusses on the above four issues. This report should also be read in conjunction with the previous Committee report and other appendices.

2. Site Description and Proposal

- 2.1 The 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 other than a semi mature broadleaved band of trees running east/west through the site. The site is presently accessed via two existing vehicles accesses directly onto the B4224 which serve gravelled tracks running throughout the site. Levels undulate significantly across the site.
- 2.2 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 Martha Trust Residential Care which is currently under construction, 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.
- 2.3 The site falls outside of the settlement boundary for the city as identified within the Unitary Development Plan and therefore lies 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 Special Wildlife Site, Site of Special Scientific Interest and Special Area of Conservation and the floodplain (floodzone 3) extends into the lower southern third of the site. Hollywell Gutter Lane is bridleway and west of here is a Site of Importance for Nature Conservation.
- 2.4 The site itself has no statutory landscape designation but is characterised within the Council's Landscape Character Supplementary Planning Document primarily as Principal 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

- 2.5 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

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

residential development of 190 units, 35% of which will be affordable and an area for allotments.

- 2.6 The application is in outline form with the principle of the development 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 is secured through a Section 106 Agreement.
- 2.7 The application is accompanied by an Environmental Statement (ES). This considers the likely significant environmental effects of the development and the scope to reduce or mitigate any environmental affects that may occur. The ES 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. The application is also 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.

3. Policies

- 3.1 The relevant Unitary Development Plan policies and Supplementary Planning Guidance remain as set out in the previous Committee report. However, since the previous consideration of the development, all national planning policy statements have been replaced with the National Planning Policy Framework. The relevant policy guidance contained within this document is considered in the officer's appraisal.
- 3.2 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

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

4. Planning History

- 4.1 As set out in the previous Committee report and updates appended to this report.

5. Consultation Summary

- 5.1 As set out in the previous Committee report and updates appended to this report other than is updated in the officers appraisal.

6. Representations

- 6.1 As set out in the previous Committee report and updates appended to this report other than is updated in the officer appraisal.

7. Officer's Appraisal

- 7.1 As was the case when the application was first considered, the competing factors to be assessed with the proposal result in a very finely balanced decision and the adoption of the National Planning Policy Framework and Council's publication of its housing supply position

reinforces some of the previously secondary material planning considerations. This appraisal will focus on the four primary reasons for bringing the development back to the Committee for reconsideration as identified at paragraph 1.3 and consider their implications. The first being the issues to be addressed as outlined in the previous Committee recommendation.

Requirement 1 – Expiry of the amended plan consultation period

- 7.2 At the time of consideration of the report, the re-consultation period on the amended plans had not expired. During the outstanding period of consultation, no new representations were received raising new material planning considerations that were not already covered in the report or considered by members in debating the application. Consequently, the requirements of part one of the previous Committee recommendation have been met.
- 7.3 Approximately two months after the closure of the consultation period, a letter was received from the National Association of Cider Makers (NACM) expressing their concerns with the loss of orchard, parts of which were planted in the early 2000's by Bulmers resulting from a breeding programme begun in 1985. They identify that the trees are of great importance as a 'gene bank' to the future development of cider apple varieties that will survive changes in our climate. They request the scheme be amended to secure the retention of the orchard in question which is located where the junior pitches are proposed. This would entail stepping outside of the application site area and therefore is not possible within the terms of the application as currently presented. Notwithstanding, what has been agreed with the developer is that if approved, a condition will be imposed preventing any development in the relevant area until May 2013. This would allow time for either the affected trees to be translocated and/or cuttings to be taken to propagate the trees elsewhere. It should also be noted that approximately 50% of the orchard the NACM refer to will be unaffected by the development.

Requirement 2 – Resolution of the Natural England objection

- 7.4 Natural England remained in objection to the development primarily due to the potential impact of the development on the Conservation Objectives of the River Wye Special Area of Conservation. A summary of their response to the amended plan re-consultation undertaken prior to the previous consideration of the development is appended to this report as part of the previous Committee updates. The thrust of the objection concerned the increased foul drainage discharges arising from the development, the associated phosphate content of those discharges and the capacity of the protected watercourse to absorb the impact of the additional discharges via the sewage treatment works.
- 7.5 In response to this objection, the applicants commissioned a drainage study to establish the foul drainage flows from the development and the associated impact on the River Wye. The conclusion of this report was that the development would have no likely significant affects in the River Wye Special Area Conservation. Additionally, the Council has been working with the Environment Agency, Welsh Water and Natural England to establish what the future development capacity of the water course is through undertaking a computer modelling exercise. This has revealed that there remains capacity for several thousand houses within the River Wye catchment area before the Conservation Objectives of the watercourse are becoming close to being exceeded.
- 7.6 Consequently, the combination of the report provided by the developer along with analysis undertaken by the Council has demonstrated that the proposed development both in isolation and in combination with other relevant plans and projects will not result in any significant adverse effect of the River Wye Special Area of Conservation. Other concerns raised by Natural England regarding the potential impact of earthworks on the Special Area of Conservation would be addressed through a combination of planning conditions and the Section 106 Agreement. Natural England has now withdrawn their objection.

Requirement 3 – Addressing other matters in the report

- 7.7 The two principal outstanding issues raised in the previous report concerned the preparation of the more detailed design code to support the planning permission and a review of the housing mix to achieve a better balance of house sizes.
- 7.8 A design code has now been prepared and agreed with the applicants and compliance would be achieved through a planning condition. The design code stipulates the parameters for the future detailed applications covering matter such as amenity space, waste management, parking, design, materials, boundary treatments, drainage, road structure, siting and orientation, scale and green infrastructure. The design code also stipulates the highest contour which the residential development can extend to, to assist in mitigating the visual impact of the development on the higher parts of the site. This will ensure the future detailed applications are sensitively designed around the physical opportunities and constraints of the site.
- 7.9 The affordable housing mix remains unchanged. This being 35% affordable housing with a mix of 50% social rented and 50% intermediate tenure. The overall housing provision is now 14% 1 bedroom units, 25% 2 bedroom units, 46% 3 bedroom units and 15% 4 bedroom units. This represents a more balanced provision with more two and three beds and less four bed units whilst still recognising both the location of the site and the format of the development justifies a higher number of family housing. Other matters raised in the report such as the preparation of a community use agreement for the sports facilities and preparation of more detailed travel plans have also now been secured through a Section 106 Agreement.

Requirement 4 – Completion of a Section 106 Agreement

- 7.10 The Section 106 Agreement has now been agreed by all parties, is completed and is awaiting signature. This was a particularly complex Agreement and has taken a considerable period of time to assemble. It is also noteworthy that this represents the largest S106 Agreement in terms of direct community infrastructure provision, financial contributions, land transfers and other requirements the Council has ever negotiated. A summary of the requirements of the S106 Agreement are set out below:

Financial Contributions	
Contribution to fund the rugby club facilities	£4,594,169
Education	£894,660
Flood and Drainage Relief	£40,000
Recycling	£14,760
Play, Sport and Recreation	£190,000
Libraries	£26,826
Transportation	£368,940

- Phased delivery of 35% affordable housing comprising of 67 units split between 34 units as social rented and 33 units as intermediate tenure (shared ownership, intermediate rent and low cost market housing)
- A requirement that all housing achieves level 4 of the Code for Sustainable homes and the rugby development achieves BREEAM Very Good or equivalent standard
- Creation of 36 fully serviced and equipped community allotments and freehold transfer to the Council at no cost
- Safeguarding of a corridor through the site to enable the construction of additional road infrastructure and freehold transfer of the land to the Council at no cost
- Freehold transfer of Hereford Rugby Club's existing grounds and buildings to the Council at no cost upon completion of their new facilities

- Full travel plans for both the residential and rugby developments – both requiring a 15% reduction in single occupancy vehicular trips to and from the site over 5 years
- A full Ecological Management Plan – this protects the retained orchard, requires it all to be converted to organic farming within 3 years and sets out a 15 years programme of works to enhance the biodiversity value of the site
- A Community Sports and Business Plan – this identifies how the club will enable wider use of the facilities by schools, other sports clubs, community groups and the public
- A detailed specification for the rugby facilities
- An insurance bond held in favour of the Council for the sum of £4,594,169 so as in the event the developer does not complete the rugby development, the Council has the funds to complete the works.

National Planning Policy Framework

- 7.11 Since the previous consideration of the development in August last year, two other notable changes have occurred, namely the adoption of the National Planning Policy Framework (NPPF) and the publication of the Council's latest Annual Monitoring Report (AMR) which includes an analysis of the current supply of deliverable housing land.
- 7.12 The NPPF clarifies that due weight can still be given to the relevant Unitary Development Plan policies for a period of 12 months from date of adoption of the NPPF providing those policies are largely consistent with the NPPF. It is not considered the Core Strategy is sufficiently advanced to be given due weight in the consideration of the application.
- 7.13 The application was previously recommended for refusal as it was considered the development would adversely erode the landscape character of the area and result in the significant loss of orchard which is a Biodiversity Action Plan Habitat. Consequently the development was considered contrary to UDP landscape policies S7, LA2 and LA3 and policy NC6 concerning the threat and loss of biodiversity action plan habitats. The development was also considered contrary to policy H7 in that none of the exceptions within this policy concerning development in the countryside were met and policy RST10 which requires that major sports facilities are acceptable in terms of their environmental impact. The second reason for refusal as reported to Committee as an update to the agenda concerned the impact of the development on the Special Area of Conservation. As explained at paragraphs 7.4-7.6, this issue has now been resolved.
- 7.14 At the heart of the NPPF is a general presumption in favour of sustainable development and applications for housing should be considered in this context. It has previously been accepted that the development can be regarded as sustainable in terms of its location, accessibility, design and construction standards to be achieved. However, this presumption does not override normal, site specific planning considerations and the need to comply with the relevant Unitary Development Plan policies where they are consistent with the NPPF. In this regard, the site remains contrary to policy H7 being located in the open countryside.
- 7.15 Whilst the additional documents such as the design code and ecological management plan do go some way to mitigating the negative impacts of the development, in your officer's opinion, the loss of orchard and adverse visual and landscape impact of the development cannot be fully mitigated and therefore the development remains in conflict with the UDP policies listed in 7.13 above. The NPPF advises of the need to protect and enhance valued landscapes but that the level of protection should be commensurate with their status. In this instance, the site has no statutory designation but the Council's evidence supports the position that the landscape and orchard is of value, local distinctiveness and contributes to the landscape setting of the city. Therefore, whilst the NPPF places a lower importance on undesignated landscapes and habitats, it is considered the aims and requirements of UDP policies LA2, LA3 and NC6 are consistent with the NPPF.

The NPPF and Housing Land Supply

- 7.16 The NPPF now requires that local planning authorities should identify a five year supply of housing with an additional 5% buffer to ensure choice and competition in the market for land. Since the previous consideration of the application, the Council has published its Annual Monitoring Report (AMR). Based on the AMR figures, the Council currently has a shortfall of 216 units which equates to a 4.6 year supply. This shortfall also does not account for the requirement to maintain an additional 5% buffer. Whilst the shortfall is not significant, it is nevertheless a shortfall. The NPPF stipulates that relevant policies concerning the supply of housing land should not be regarded as up to date if a five year land supply cannot be demonstrated. The need for the Council to provide for additional deliverable housing sites is now more explicit than was the case previously and therefore must be considered a material consideration in favour of the development.

Recent Legal Case Law

- 7.17 The Council has recently been engaged in a legal case which primarily concerned the reasons given for approval of a development when contrary to an officer recommendation. The relevant case law now requires that in order to comply with its statutory duty, the local planning authority clearly sets out the issues that were considered, the relevant policies, the extent to which the development complies with those policies and the weight given to other material considerations. Following further legal advice, concerns exist as to whether these legal requirements have been fully satisfied to date in the consideration of this application and therefore, the application requires reconsideration and if recommended for approval again, the reasons for approval need to be clearly set out.

8. Conclusion

- 8.1 The development site falls outside of the city boundary and falls within open countryside when assessed against the adopted Herefordshire Unitary Development Plan. Whilst the National Planning Policy Framework has now come into force and is a material planning consideration, where UDP policies are consistent with the NPPF, due weight can be given to the relevant UDP policies. The policies within the UDP therefore remain the primary tests against which the development must be judged subject to their compliance with the NPPF.
- 8.2 The housing development is therefore contrary to UDP policy H7. 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.
- 8.3 Sequentially, the applicants acknowledge there are several other sites that are more suitable and appropriate for the development around the city. However, the availability of the application site is a material planning consideration and should be afforded weight if the development is acceptable in all other respects.
- 8.4 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 and the Council's ecologist objections concerning the Habitat Regulations assessment have now been addressed. The development is likely to have a short term negative impact on the biodiversity of site through site clearance and linked construction operations but the compensatory provision and ecological management plan can mitigate this impact and enhance the biodiversity value of the site in the medium to long term.
- 8.5 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 proposals including the additional information, namely the design code and ecological management plan 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 the undulating and elevated topography of the site.

- 8.6 The development will however deliver new housing which the Council requires to boost its housing land supply and enhance 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 the 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.
- 8.7 Benefits will also arise from the availability of additional sporting and other facilities for use by schools and particular sports such as netball which currently experiences difficulties with the availability of facilities. The provision of allotments is also welcomed particularly as there is a significant need as evidenced by the long waiting list for existing allotments. The transfer of the clubs existing site to the Council at no cost will also be a significant sport and community asset for benefit of city. Although an eastern road corridor is currently not proposed, the safeguarding of land to deliver this infrastructure in the future is also a relevant consideration.
- 8.8 In summary, there a number of material planning considerations that can be given significant weight in the assessment of this application. In accordance with the NPPF, the sustainability of the development and the delivery of additional housing in particular should be given particular weight. However, on balance, these factors are not considered sufficient to outweigh the negative landscape and visual impacts of the development, the loss of orchard and the associated conflict with adopted policy requirements. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission is refused for the following reason:

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 exception 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, will result in the permanent loss of a significant area of orchard which is a Biodiversity Action Plan habitat, and will adversely erode the landscape character of the site and setting of the city. As such the development is contrary to policies S7, LA2, LA3, NC6, H7, and RST 10 of the UDP. The requirements of the National Planning Policy Framework are not considered sufficient to outweigh the conflict with the adopted policies.

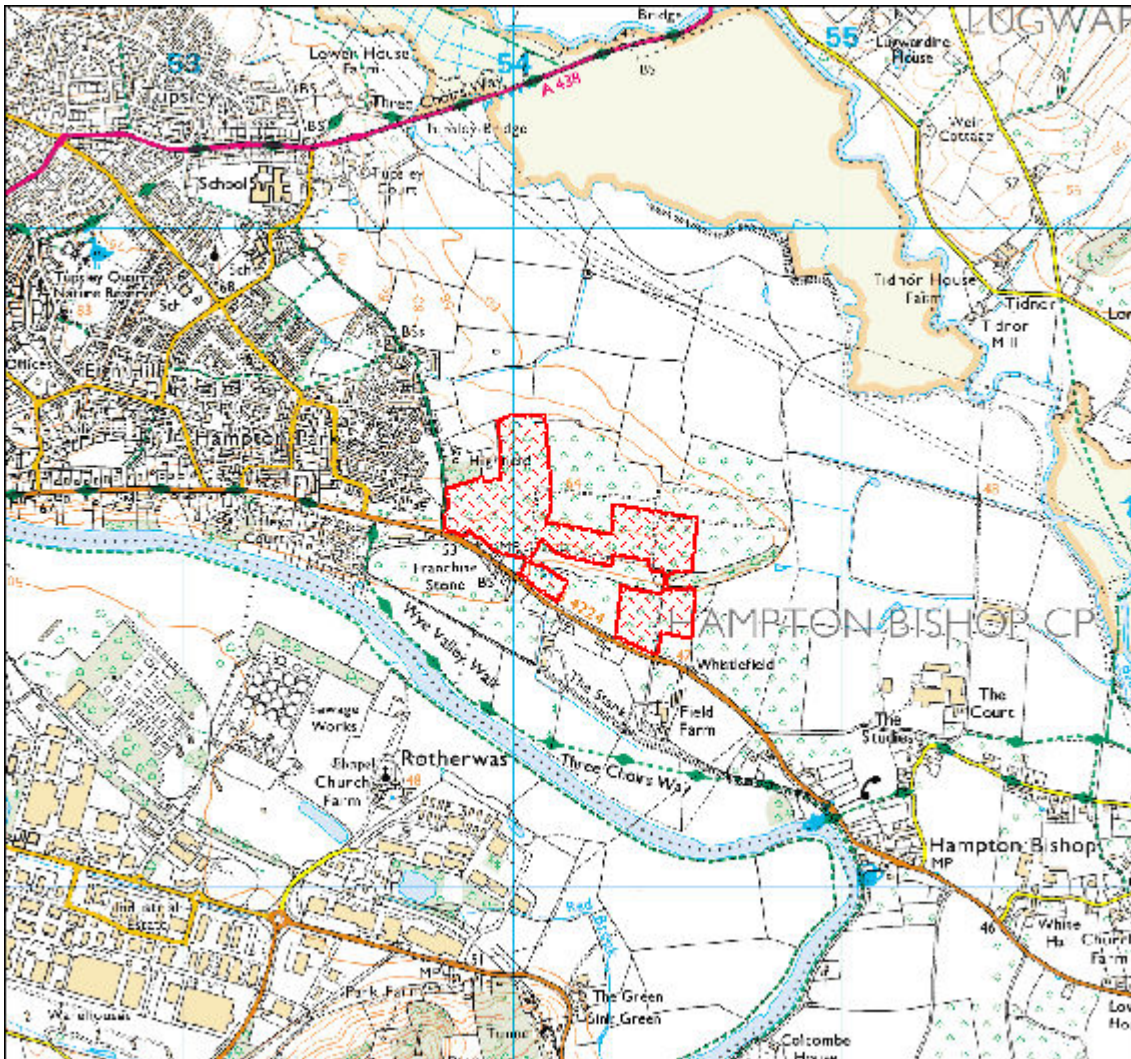
Decision:

Notes:

Background Papers

Appendix 1 - Original Committee report (31 August 2011)	[page 19]
Appendix 2 - Committee updates (31 August 2011)	[page 69]
Appendix 3 - Committee minutes	[page 75]

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



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

APPLICATION NO: S/102921/O

SITE ADDRESS: LAND TO THE EAST OF, HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN

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/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 Hollywell 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

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.

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

- 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

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

- 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 scoring 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:

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

“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 or 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 Council's 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.

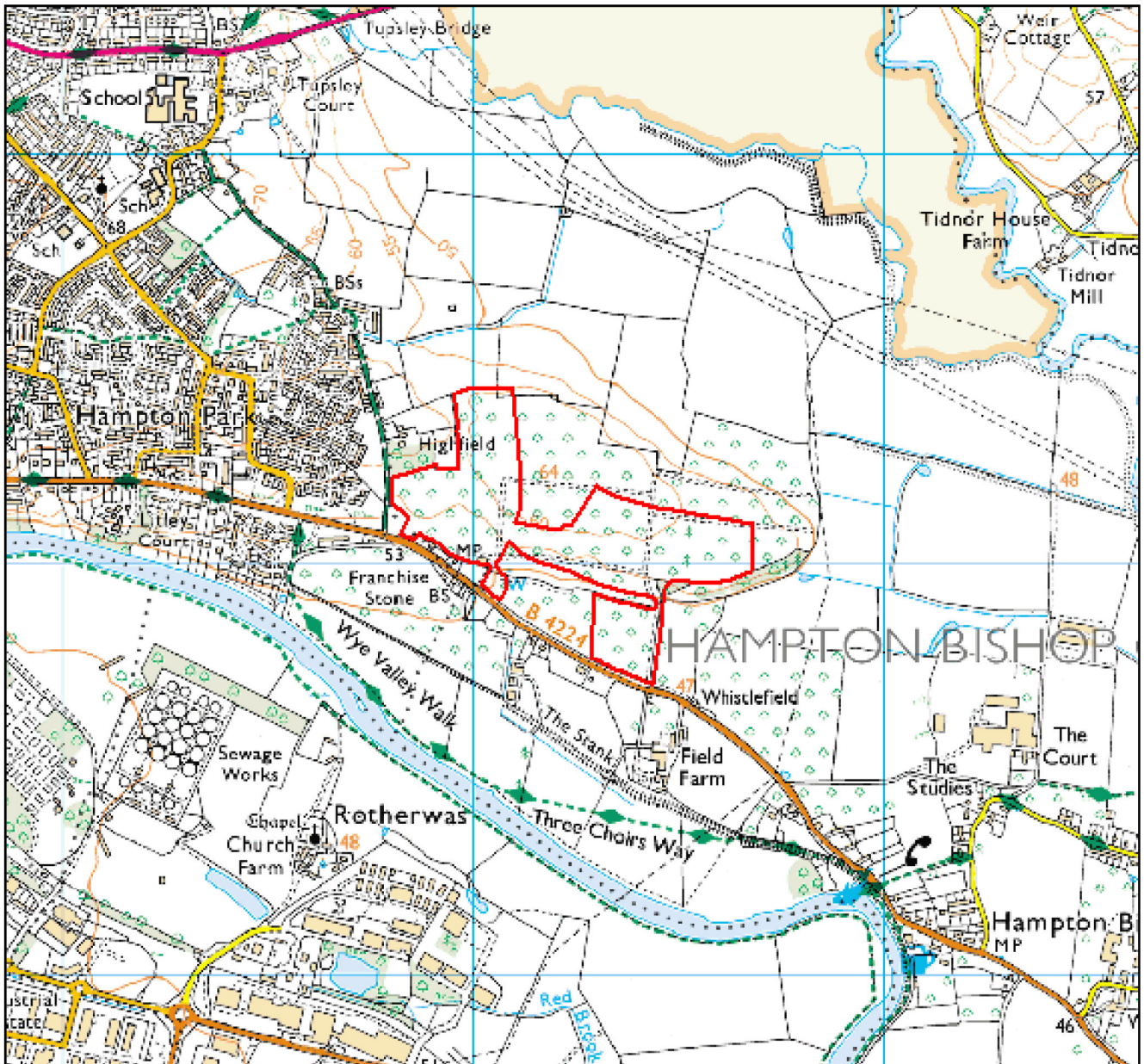
Decision:

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

PLANNING COMMITTEE

31 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/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

For: Hereford Rugby Football Club Per Mrs Sally Tagg, Festival House, Jessop Avenue, Cheltenham, Gloucestershire, GL50 3SH

ADDITIONAL REPRESENTATIONS

Further information and proposals have been provided in response to officer queries and further minor changes have been made to the masterplan as follows:

- Any excess water from the sustainable drainage system will be pumped to the local surface water sewer to further mitigate any localised flood risk
- All the housing will be constructed to code level 4 of the Code for Sustainable Homes
- All affordable will be a mixture of shared ownership and social rent
- The applicants have offered to gift their existing site to the Council for a £1
- Additional existing orchard trees are to be retained along there roadside adjacent the lower level pitches
- The service access road has been re-aligned to avoid any impact on one of the existing ponds on site which contains Newts
- A stage 1 road safety audit for the new access has been provided

Should permission be approved, the developers have also confirmed their willingness to address other technical issues covered in the report such as a stronger, more bespoke design code, further amending the balance of the general market housing mix with more two and three bed units and less 4 bed units, review the housing areas on the highest parts of the site, provision of appropriate children's play provision through an off site contribution and other minor revisions to the masterplan.

The developers have also reiterated that this is a unique opportunity as the land is being gifted to the club for a £1 and the club could not afford to acquire land elsewhere in the city

Hampton Bishop Parish Council

Further comments were submitted but due to their late receipt, they could only be briefly summarised in the Committee report. An additional letter has also been received. The principal objections outlined in both letters are as follows:

- The development is on a greenfield site and in a sensitive location on the fringe of the city where new housing is contrary to local and national policy

- There is no planning policy foundation for an enabling development of this nature and to approve it would seriously undermine the credibility of established planning policy
- The sequential assessment of alternative sites is purely subjective but even using the applicants methodology, there are sequentially preferable sites and the availability of the site (a criteria which the applicants attributed significant weight) is only relevant if the development is acceptable in all other respects
- The scale of the development would inflict irreparable damage on the local landscape and its character including views from the Wye Valley Walk contrary to UDP policies LA2 and LA3
- The locality has a long history of flooding and the application contains inadequate measures to deal with groundwater run off on to the road and towards the village. The suitability of the site must also be questioned for this reason.
- The development would generate significant and unacceptable levels of additional traffic which will be prejudicial to the free flow and safety of highway users
- Hampton Bishop is a small rural parish and the development is totally disproportionate to the existing community
- There is no housing need for the development as the Council is meeting its 5 year housing land supply required by PPS3 and even if a need existed, the priority is to develop brownfield land

The Parish Council also identify possible uses for the Section 106 if the development is approved. These are:

- A pumping station within the parish to prevent/alleviate flooding,
- Reduction in speed limits and installation of a speed indicator device
- Creation of a footpath/cycleway between Hampton Bishop and Mordiford

Hereford City Council

Support the application and welcome the new sports facilities

Mordiford and Dormington Group Parish Council

Continued concerns with increased traffic but also see the positive effect the increased school children could have on Mordiford school

Highways

All the issues identified in the stage 1 safety audit including the issues set out below can be addressed at the detailed design stage

- An extension of the speed limit for the extent of the site (subject to a TRO), the lighting of the junction,
- Continued review of further extending this speed limit through to Hampton Bishop
- The lighting of the junction and section of highway back to the city
- Design changes to the junction

In addition, as the TA was based on 250 units and the number of 4 beds has been reduced, the change in mix is acceptable. The alignment of the western proposed footpath/cycleway requires amending to better connect with existing facilities and the network west of the site. Also, if the eastern relief road were constructed, the proposed road layout and pedestrian/cyclist links west of the road corridor would not work.

Principal Sport and Recreation Officer

The area of informal open space introduced into the masterplan is acceptable but an off site contribution of £210,300 (based on current housing mix and includes 15 years maintenance) to improve the play facilities at Corporation Farm is still required.

The draft Playing Pitch Strategy is currently out to consultation. Whilst the emerging data for Hereford could change once local circumstances and conditions are factored in and predicted housing growth is revised, it is likely that the evidence will support a future deficiency in rugby pitch provision. No further comments can be made on the artificial pitch provision as the Council has not yet completed this assessment.

Public Rights of Way Manager

We are glad to see the new footpath/cycle links with Holywell Gutter Lane.

Council Ecologist

Habitats Regulations Assessment (HRA)

The site is 400 metres from the River Wye Special Area of Conservation (SAC). Currently, insufficient information has been supplied to the Council for completion of the Habitat Regulations Screening assessment to conclude that there will be no likely significant effect on the water quality in the river.

Assessment of habitats and species present on the site

Parts of the site with nature conservation value were subject to significant damage in January 2011, resulting in the loss of a bat roost and damage and disturbance to great crested newt terrestrial and aquatic habitats; this is fully acknowledged in the addendum report and revised mitigation strategy. These matters have been raised with the police for them to take further action. I agreed with the ecological consultants that the survey information from 2009 should still be used as the baseline for assessing the nature conservation value of the site. Notwithstanding this, further survey information from spring and summer 2011 could have provided a measure of the scale and impact of the damage. Revised reports have been issued as a result of site visits in February and March 2011 to account for the damage and propose additional mitigation.

PPS9 and Herefordshire Council's Biodiversity SPG states that existing habitats and species should be retained and protected, with compensation only considered as a last resort. Threats to priority habitats and species should not be permitted unless their safeguarding is outweighed by the need for the development. Some habitats and species identified on this site will be negatively affected by these development proposals:

Although the hedgerows within the site are not particularly species-rich, they still provide important wildlife corridors. In particular, the hedgerow to the west of the junior pitches has an associated ditch and should be retained

Some areas of these orchards have been in existence for more than 50 years. The apple trees in the central section to the north of tree group G13 are mature with abundant mistletoe (a Herefordshire Priority Species). Birds and insects were certainly present in this area during my recent site visit and the trees had good lichen colonies; bats were also recorded (61 passes) in these orchards during the bat activity surveys, indicating the presence of insects for them to feed on. These areas of mature orchard can be considered traditional and therefore Herefordshire and UK Biodiversity Action Plan Priority Habitat. Most of this area will be under the proposed car park, indoor training and 1st pitch, and therefore lost as a result of these development proposals. Other areas of mature fruit trees include where the proposed junior pitches have been located.

The woodland belt and orchards are used by foraging bats and there are implications for some species as a result of the floodlighting of the sports pitches. This is not a concern in the winter months when bats are unlikely to be active, but can be an issue during spring and autumn when foraging times are reduced due to cooler weather conditions. Lesser horseshoe bats are particularly light-sensitive; only one pass by this species was recorded during the surveys, but their echolocation calls are highly-directional and therefore often missed. The woodland belt could provide foraging as well as commuting habitat for this species.

I am concerned about the impact of the proposed housing on the mature trees on the western boundary of the site, and in particular the mature oak tree (T2) that lies within the site at the southern end of the existing scrub area. The deadwood provides important habitat for invertebrates as well as birds such as woodpeckers and should be retained.

If European Protected Species are present on a development site and the proposals include loss of habitat or harm to animals, the Local Planning Authority must establish whether the three tests have been met prior to determining this application.

Mitigation measures and habitat enhancement and management proposals

The central woodland belt is to be retained and enhanced as part of these proposals. The construction of a bat house in the woodland is welcomed, although further detail will be required.

Orchard habitat will be retained on the site and it is proposed that this will be managed traditionally and organically. The management plan suggests that there will also be sheep-grazing of the grasslands between the fruit trees. It is not clear whether these management proposals are achievable or if there is a land manager that is willing to take on this management regime. It would certainly be a major undertaking to achieve the biodiversity benefits that are proposed if it is to deliver sufficient compensation for the loss of orchard habitat.

Conclusions:

The Council must complete a screening report for a Habitats Regulations Assessment regarding these development proposals; this cannot be completed in the absence of sufficient information regarding the impact of the development on water quality in the River Wye SAC. Therefore it cannot be concluded that there will be no likely significant effect on the river, and this application should not be approved unless this issue can be resolved.

European protected species - great crested newts and bats - are present on the development site, and have already been harmed by mismanagement of their habitats. The increased human activity on this site is not desirable. In particular, floodlighting of the rugby pitches will affect the northern edge of the woodland belt and could reduce foraging and commuting activity by light-sensitive bat species.

The design of these development proposals will result in the loss of the most valuable areas of orchard on the site; implementation of the proposed master plan will therefore result in loss of Herefordshire and UK Biodiversity Action Plan Habitat and is contrary to UDP Policy NC6. The development proposals include measures for habitat creation, enhancement and management in accordance with PPS9 and UDP Policy NC8 in compensation for habitat losses elsewhere on the site. The enhancement and creation of aquatic and terrestrial habitats for great crested newts is welcomed as is the enhancement of the woodland belt and provision of a bat house. The proposed traditional and organic management of the orchards is also welcomed, but whether this can be delivered is uncertain. It will require a suitable tenant or owner who is fully engaged and compliant with these objectives as well as a long-term commitment to them.

In summary, the development cannot be supported due to the uncertainties regarding the Habitat Regulations Assessment and associated impacts on the River Wye. Also, whilst the ecological compensation is welcomed, it is not considered sufficient to compensate for the overall loss of orchard.

Councils Drainage Engineer

I have no objection to the outline proposals.

Natural England

The requested information concerning the impact of the increased foul drainage discharges through Eign Rd treatment works arising from the development on the water quality within the River Wye has not been provided. As such, Natural England maintain their objection due to inadequate information to assess the likelihood of significant impacts on the River Wye Special Area of Conservation. This information is also required to enable the Council to complete its screening of the development against the Habitat Regulations.

We support the decision to take the 2009 data as the baseline for the delivery of the protected species mitigation and enhancement, despite the damage done in January 2011 and support the combined mitigation strategy for bats and newts which should be secured through an appropriate condition. A construction and environmental management plan should also be required by condition if approved.

We reiterate our concerns regarding the loss of 40% of the orchard which we understand includes pockets of older apple trees which could arguably be classed as traditional and therefore a UK BAP Priority Habitat. The development will result in the loss of these older trees and the improved

management of 26 hectares of retained orchard does not compensate for this. We strongly advise the layout is altered to allow for their retention.

We note that many of the changes to the layout such as the safeguarding the alignment of an eastern bypass have not been made to further minimise the likely impacts as stated in addendum to the landscape and visual assessment. No further clarity has also been provided regarding the regarding and reprofiling of the site. Whilst we do not object on these grounds, the Council should carefully consider the developments compliance with the UDP landscape policies and along with loss of the orchard and particularly the older trees groups.

Representations

A further 23 letters and e-mails of objection have been received in response to the amended plans consultation. The majority of the points are already covered in section 5.7 of the report. Additional points are:

- The housing is now too close to Hampton Park Road
- More pitches adjacent the road could cause increased accidents
- The latest government policy 'The community Orchards Guide' is for orchards to be retained and their growth encouraged
- Additional netting may be required along the roadside
- The road will increase flood risk
- Many of the letters of support are from resides who do no live close to the site and will not be affected by the development
-

One further letter of support has been received. The comments are already covered ins section 5.9 of the report

A petition with 520 signatures has also been received from the rugby club in support of the development

OFFICER COMMENTS

The commitment to construct the housing development to code level 4 and the offer of transferring the clubs existing site to the Council are welcomed and are material planning considerations in the assessment of the development. However, they are not considered sufficient to outweigh the significant visual and landscape harm.

The red line site plan attached to the agenda is the original site area rather than the amended site plan.

CHANGE TO RECOMMENDATION

As Natural England are maintaining their objection, an additional reason for refusal is required as follows

Insufficient information has been provided to demonstrate that the development will not have any significant effects on the River Wye Special Area of Conservation. As such, the development is contrary to policies NC1 of the Herefordshire Unitary Development Plan, advice within PPS 9 and the requirements of the Conservation of Habitats and Species Regulations 2010.

Also the first refusal reason should also make reference to UDP polices S7, NC6 and PPS7 and 9.

Extract from Committee Minutes of 31 August 2011

50. DMS/102921/O - LAND TO THE EAST OF HOLYWELL GUTTER LANE, HAMPTON BISHOP, HEREFORD, HR1 4JN

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 addition, the case officer recommended a further revision to last two sentences of the first reason for refusal which was changed to read:

It is considered the development will be visually intrusive, will result in the permanent loss of a significant area of orchard which is a Biodiversity Action Plan habitat, and will adversely erode the landscape character of the site and setting of the city. As such the development is contrary to policies S7, LA2, LA3, NC6, H7, and RST 10 of the UDP and advice within PPS7 and PPS9.

In accordance with the criteria for public speaking Mr Townson, representing Hampton Bishop Parish Council, and Mr McLellan and Mr Keme, representing some of the local residents, spoke in objection to the application and Mr Griffiths, the applicant, spoke in support.

Councillor J Hardwick, the local ward member, thanked the case officer for a detailed report and reserved his right to address the committee until after the debate had taken place.

Members opened the debate by thanking the case officer for producing a thorough report. It was also noted that there had been a great deal of useful and detailed additional information circulated to members by all parties involved. It was accepted that the application was finely balanced between the requirements of the Unitary Development Plan policies and the housing needs of the County. The benefits to Hereford Rugby Club were also noted.

Members discussed the concerns of the local residents in respect of flooding at Hampton Bishop. It was noted that a great deal of work had been undertaken to address the flooding issue in the area and that the proposed development would not exacerbate the situation. It was also noted that due to the proposed layout of the site the housing element of the application would be closer to Tupsley than Hampton Bishop and should therefore not be considered as development in open countryside.

Members also discussed the orchard. It was noted that 60% of the orchard was being retained which was welcomed. Members also noted that UDP policies LA2 and LA3 had been quoted in the officer's recommendation for refusal of the application. Members noted that the orchard was not protected and could be removed at any time by the land owner if he so wished. Members felt that the provision of a section 106 agreement could provide more certainty over the protection of the orchard.

In respect of housing the committee noted that there were over 5000 homeless people within the county and that there was a need for 1884 new homes in Hereford City alone. Members felt that the specification of the homes to sustainable level 4 was welcomed and also noted that there was an acceptable level of affordable homes within the development. Members also noted that the revised scheme included a higher percentage of 2 and 3 bedroom homes with no 3 storey developments.

Some Members felt that the application was a unique opportunity for the people of Hereford and felt that it should be viewed as an enabling development for the benefit of the County. The transferring of the clubs existing site to the Council was also welcomed and was a material planning consideration in the assessment of the development.

Some Members had concerns in respect of the application and noted that although it was positive to see a sports club looking towards the future any decision should be in accordance with planning policy. Members commented further that the substantial loss of landscaping resulted in the application being contrary to UDP policies LA2 and LA3. Some members noted that the existing Hereford Rugby Club site was prone to flooding whilst others, although accepting that point, stated that 4 of the proposed pitches on the new site fell within a flood zone. Finally it was noted that Natural England still objected to the application.

Members discussed the application thoroughly and commented on the applicant's commitment to providing allotments. It was noted that there was currently a waiting list for allotments within Herefordshire so this provision was welcomed. It was also noted that the application would result in an extension to the 30mph restriction along the B4224 which would be extremely beneficial. Members also discussed the representations submitted by Welsh Water and Sport England and it was noted that both were satisfied with the proposed development.

One Member of the Committee felt that the applicant should have incorporated the construction of a proposed relief road or part thereof into the application.

In response to a question regarding the relief road, the Principal Planning Officer advised Members that a safeguarding corridor had been offered by the applicant. He added that it would not have been possible to request that the applicant funded the road as the route had not been agreed and this would significantly affect the viability of the development

In response to a further question regarding sustainable design of the rugby facilities the Principal Planning Officer added that the applicants had indicated that the specification would be to a BREEAM standard of 'very good' and would incorporate ground source heating, rain water harvesting systems and possibly PV solar panels.

In summing up Members noted that the application was solely for outline permission and that all reserved matters except access would come back before the committee at a later date.

Councillor J Hardwick was given the opportunity to close the debate. He made a number of comments, including:

- The application before the committee was for outline planning permission only.
- A number of concerns raised by the local residents had not yet been addressed.
- There was an increase in the possibility of flooding for the local residents.
- The visual impact could not be mitigated.
- The Council's Ecologist had recommended that the application should be refused.
- The proposed floodlighting was a serious concern to local residents and would result in light pollution.
- The proposed agricultural access was in close proximity to the junior pitches and was a safety concern.
- The application should be refused on policy grounds as detailed in the case officer's recommendation.

The Locum Lawyer and the Strategic Delivery Manager had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. They both had some concerns in respect of a decision contrary to the case officer's recommendation but felt that no new information could be presented through a further information report. The Chairman noted that there had been a thorough debate

on the application and that if members were minded to approve the application there were a number of outstanding issues for subsequent resolution.

RESOLVED

That officers named in the scheme of delegation be authorised to issue planning permission subject to conditions considered necessary by officers and subject to:

- 1. There being no further representations or consultations raising new material planning considerations by the end of the amended plan consultation period,**
- 2. The resolution of the outstanding objection from Natural England;**
- 3. The resolution of other issues identified in the officer's appraisal, and;**
- 4. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the matters raised in the officer's appraisal and any additional matters considered necessary by officers.**



MEETING:	PLANNING COMMITTEE
DATE:	27 JUNE 2012
TITLE OF REPORT:	<p>S120539/CD - AN EXTENSION, PART SINGLE STOREY AND PART DOUBLE STOREY TO EXISTING SCHOOL BUILDING, WITH ASSOCIATED LANDSCAPING AND INCORPORATING AMENDMENTS TO LAYOUT AND APPEARANCE OF EXISTING SCHOOL AT BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX</p> <p>For: Property Services, Herefordshire Council per Amey Consulting, Explorer 2, Fleming Way, Crawley, W Sussex, RH10 9GT</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=120539&NoSearch=True

Date Received: 17 February 2012 Ward: St Martins and Hinton Grid Ref: 350248,238313
Expiry Date: 18 May 2012

Local Members: Councillors ACR Chappell, R Preece and P Rone

1. Site Description and Proposal

- 1.1 Blackmarston School was built in the late 1990s and provides special needs school provision for the wider Herefordshire community. The school is sited in a primarily residential area to the south of the city, and is accessed via Honddu Close (from Dulas Close to the north and Greencroft / Standale Road to the south).
- 1.2 The school is unusual in its design being octagonal in shape. The building is single storey with all rooms sited around a central atrium / courtyard area. The school building is sited to the east of the application site with car parking to the west of the school building. The land levels then slope considerably westwards towards the dwellings on Stanberrow Road. The schools play area and mobile classrooms are sited to the rear of the main school building (north east).
- 1.3 The application proposes an extension to the school to provide additional classrooms, hygiene facilities, hall and facilities and first floor staff accommodation. The extension projects away from the existing building in a westerly direction and is 70m in length and would run parallel with, and approximately 4m from the existing boundary with Marlbrook School. The first part of the extension would be single storey (5m) in height, rising to 8m for 23m in length before reducing in height. The building has been designed to accommodate a change in levels and as such, although the height reduces, it would continue to be 7m in height (above ground level). One of the key requirements of the school is to have a hall of sufficient height, positioned at the front of the school to assist with the arrival and departure of the children that are brought in by minibus. This hall and associated rooms are located within a part of the

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

extension that projects in a northerly direction towards the dwellings on Dulas Avenue. This projects forwards by approximately 22m, and would be 8m from the boundary with the adjacent neighbour. This element also has to cope with the changes in levels and as such the eastern section would be approximately 4.5m to eaves height and the western part of the hall would be 7m to eaves height. The plans have been amended to try and address the concerns raised, and part of this forward projection has now been reduced, the plant room roof has been altered to a flat roof, and the wall moved back slightly to increase the planting area. The facing wall of this projection is proposed to be painted with a mural. The remaining building utilises brickwork at lower levels with lightweight panelling and standing seam profiled sheet metal cladding to roof.

- 1.4 The internal road layout will be altered with the 'roundabout' and central parking (12 spaces) retained at the entrance, in a revised form. A 4.5m wide roadway is proposed along the northern boundary of the site leading to a car park accommodating 22 spaces. Planting and landscaping is proposed along the boundaries of the car park and roadway.

2. Policies

2.1 National Planning Policy Framework:

The following paragraphs (extracts of) are of particular relevance

Paragraph 17

'always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and building'

'take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs'

Paragraph 58

'... Planning policies and decision should aim to ensure that developments:

- Will function well and add to the quality of the area, not just for the short term but over the lifetime of the development; ...
- Are visually attractive as a result of good architecture and appropriate landscaping ...'

Paragraph 72

'The government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive and collaborative approach to meeting this requirement and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools; ...'

2.2 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S11	-	Community Facilities and Services
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement

DR4	-	Environment
DR14	-	Lighting
T11	-	Parking Provision
T14	-	School Travel
CF5	-	New Community Facilities

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

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

3. Planning History

- | | | |
|-----|-----------------|--|
| 3.1 | HC940012JZ | Construction of new Blackmarston Special School of 1100 sq m floor area associated play areas and vehicular parking and turning facilities. Approved 31 January 1994. |
| 3.2 | HC940462JZ | Construction of new Blackmarston Special School of 1100 sq m floor area associated play areas and vehicular parking and turning facilities. Approved 12 December 1994. |
| 3.3 | DCCW2004/2623/F | Provision of modular building for use as temporary nursery. Council Approved Application 7 September 2004. |
| 3.4 | DCCW2005/2099/F | Landscaping of existing turfed area between playground and boundary. Approved 12 December 1994. |
| 3.5 | S100582/CD | Provision of 1 no. new mobile to provide additional facilities for children with special needs with hygiene room and canopy linking outside space to adjacent mobile. Withdrawn 21 May 2010. |
| 3.6 | S101203/CD | Retention of existing mobile building and provision of 1 no. mobile building and link canopy adjacent to provide additional facilities for children with special needs. Council Approved Application 24 June 2010. |

4. Consultation Summary

Statutory Consultees

4.1 Sport England comments as follows:

The area proposed for the school extension lies adjacent to the boundary with Marlbrook School Playing Field. This boundary means that the area affected by the application is physically and functionally separate from the adjacent playing field and its function is considered to be general open space and landscape area associated with Blackmarston School.... In addition to not affecting the adjacent playing field, or prejudicing its use, the proposed development would also appear not to impact on any other opportunities for sport. This being the case, Sport England does not wish to raise an objection to this application.

Internal Council Advice

4.2 The Traffic Manager recommends condition and comments that the proposed increase in car parking and minibus parking is considered to be acceptable provision for the proposed development.

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

- 4.3 The Environmental Health Manager raises no objection to the proposed development but requests conditions in respect of external lighting and hours of working during construction.
- 4.4 The Conservation Manager (Landscape) makes the following comments:

It is a shame that the size of the new building significantly limits the amenity space available to create a high quality landscape setting for this school. The access and car park requirements further reduce the areas available for planting and dominate the front of the site. Proposals for a combination of high quality, varied, hard surface materials could be used to improve the appearance of these areas. There are several trees, including a small woodland area that will be lost during development and the roughly marked up drawing does not represent a thorough tree survey. It is noted that new planting is shown to the boundaries, however for a development such as this I would expect a proposed landscape scheme to be detailed as an integral part of the application.

If this application is to be approved then I request the following conditions are added:

- Tree protection for retained trees in accordance with BS5837:2005 'Trees in relation to construction'.
- A hard and soft landscape scheme.
- Details of the construction and material for the gabion retaining wall and boundary fencing.
- Details of the new play area, including the tree planted sensory area.

5. Representations

- 5.1 Hereford City Council make the following comments: We support the principle, however, we are worried about the impact of the increased traffic on the surrounding roads. The new site should also have an adequate screening to prevent overlooking of the neighbouring residential properties.

Amended plans - Although we appreciate the necessity for extension, the plans, as presented, will be too overpowering and will have too great impact over the neighbours.

- 5.2 Letters of objection have been received from:

L V Yarwood, 31, Dulas Avenue
Mr and Mrs G Jones, 29 Dulas Avenue
Angela Poyner (adjacent neighbour)

These letters raise the following issues:

- Impact on privacy / overlooking
- Impact on view and loss of light / sunlight / make everything darker
- Object to car park at bottom of garden due to noise and disturbance
- Request fence be erected on boundary with car park
- Additional fencing may be like caging us into our property overlooked by a monstrosity of a building
- May generate more noise / car fumes
- Querying why extension cannot run alongside the side of the building nearest to Marlbrook?

- 5.3 The application has also generated significant amount of support as follows:

32 letters of support from parents / staff / local residents
24 signatures on copied letters (no addresses)
9 letters from the children at the school

Further information on the subject of this report is available from Ms Kelly Gibbons on 01432 261781

These letters raise the following issues:

- The school is the only school in Herefordshire that caters for children with special needs both physically and mentally.
- The school was built for 40 pupils and already has over 70 pupils and is 'bursting at the seams'. The pattern for demand will continue to grow.
- There has been / is an increase in children with profound multiple learning and physical learning difficulties that need / require specialist equipment (wheelchairs, walkers, standing frames etc)
- Huge demand for space and lack of availability impacts upon level and quality of care and support to children as well as parents and carers
- Classes are cramped so not all classes have the full range of activities
- Existing portacabins are unsuitable for children and their needs (leaking roofs, uneven floors, temperature of buildings)
- School hall used for many activities, but there is a lack of storage and as such limited on how it can be used.

Examples of some of space issues within the school:

- The school has a large team of dedicated staff.
- Small and inadequate staff room.
- The existing school was built due to problems of overcrowding, lack of space etc, and these problems have re-occurred and we are in the same situation with a desperate need for additional accommodation to house the children that are already in the school.
- Query why other main stream school have had new schools and buildings?
- Refusing planning permission will mean that the children would not receive the education that they are entitled to and families would lose a life line (break for child care).
- Acknowledgement of the help and support that the school gives parents and carers.

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

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

6.1 The key issues for the consideration of this application are:

- The principle of and need for the proposed development
- Design and impact
- Landscaping
- Parking and Highways
- Drainage
- Habitat Regulations

The principle of and need for the proposed development

6.2 Herefordshire Unitary Development Plan Policy CF5 is broadly supportive of development that would result in the provision of new or improved community facilities, including educational facilities, where they are considered to be appropriate in scale to the need of the community and reflect the character of the locality; are located within or around the settlement or area they serve; would not significantly impact upon the amenity of neighbouring residents; and incorporate safe and convenient pedestrian access together with appropriate provision of car and cycle parking and operational space.

- 6.3 Blackmarston School outgrew its original building on Ross Road and the new Blackmarston School opened in 1997. It was designed to accommodate 40 pupils. This need at the time was primarily for children with learning difficulties. The school was designed operationally with this in mind, but now has to cope with many more physical disabilities. The school is currently accommodating around 70 pupils age 2 - 11, and is utilising 3 mobile classrooms located within the playground / outside area. The school is the only primary aged special school in Herefordshire that caters for children with severe and complex learning difficulties and disabilities. There has been a significant increase in the schools population in the last 4 years and national projections suggest continued rises in the births and survival of children with severe and complex learning difficulties and disabilities.
- 6.4 As represented in the significant number of letters received from parents and staff, the school, and its staff are operating with significant limitations in respect of space for teaching, therapies, hygiene rooms and care, storage and many operational restrictions that are hampering the ability of the school to provide appropriate levels of education and care. The lack of space also restricts the school's ability to offer support to parents and carers of the pupils.
- 6.5 Having visited the school, and in taking account the representations from the parents, teachers and governors, it is clear that the school is, without doubt, in need of additional space to provide the facilities that are required to provide the full specialist educational provision to meet the needs of their pupils. The proposed school would provide facilities for 80 pupils, with one additional teacher and three additional support staff.
- 6.6 The school serves the whole of the County, and as such, its location within Hereford City is such that it is central to the wider community that it serves. The present need for a facility of this size is apparent, with the proposed extension providing for the 71 children currently enrolled, plus the ability to take an extra 9. Therefore the extension is responding to an identified need and is not considered to be out of scale given its wide County catchment.

Design and impact

- 6.7 In designing this extension there are several key constraints and parameters that needed to be considered. The site itself has a number of constraints, including road access, overlooking, security, site contours and levels, relationships with neighbours and Marlbrook school. There is also a restricted budget and the need to ensure that the works are planned and phased around the operation of the school to ensure continued running in a safe way and not causing distress to pupils.
- 6.8 Notwithstanding the identified and pressing need, it is a requirement of Policy CF5 that the development should not significantly impact upon the amenity of neighbour residents;
- 6.9 As the project has developed there have been several schemes that have been explored and dismissed for sound reasons, including budgetary, land and construction constraints. This included the potential for utilising some land within the Marlbrook school boundary, however this conflicts with the policies and principles in relation to the protection of playing fields and was considered likely to have attracted an objection from Sport England.
- 6.10 The design of the building that is now being considered is such that it meets the requirements and functional needs of the school, meets budgetary constraints and can be built whilst accommodating the existing school. The building is a large building, that is significant in scale and mass, and is some 3m taller than the original school. The bulk and mass of the building has been broken up somewhat by the mix of materials and differences in roof heights, but, nonetheless it is of a considerably different scale than the original building and of the residential properties that surround it.

- 6.11 The key issue is not the detailed design of the building, but the context that it sits within. The existing school sits in a position that is elevated above those of the dwellings that face this application site (Dulas Avenue and Stanberrow Road). The ground (garden) level of number 29 Dulas Avenue is over 2m lower than that of the height of the adjoining land which then rises to the car park of the existing school. Therefore when the site is viewed from the first floor bedrooms of this dwelling, the car parking is at the same level. The boundary of this property is already a substantial and imposing height of almost three metres, over which the parked cars can be viewed. The proposed extension would be sited 8m from the boundary of these dwellings, with a roadway in between. The distance from the rear of number 29 (that has been extended by projecting rearwards) to the wall of the proposed extension would be approximately 20m. The proposed building would be 4.5m to the eaves from the existing raised ground level and over 6m in height rising as the roof slopes away towards the main part of the building to a height of 6.5m (above ground level). The main building being 8m in height (above existing ground level). The close proximity coupled with the scale and mass of the building would represent a development that would be overbearing and intrusive, and that would impact on the living conditions and amenities currently enjoyed by the occupants of these dwellings. Whilst the occupants of number 29 are likely to be most affected, those that reside in numbers 31 and 33 are also likely to be adversely affected due to the proximity, size and scale of the proposed extension.
- 6.12 In order to try and address the concerns raised by officers the plans have been amended. These amendments do go some way to improving the relationship by reducing the extent of the of the hall roof, reducing the plant room roof height and setting back the wall to allow further planting. However, it is your officer's opinion that the proposed extension would still be unacceptable. There is mitigation proposed by way of planting, but this will do little to address the imposing nature of the building, which at this scale and in such close proximity cannot be readily softened. As such, the proposal would fail to comply with the requirements of Policies DR2 and CF5 that seek to ensure that new community facilities would not significantly impact upon the amenity of neighbouring residents.

Landscaping

- 6.13 Letters of representation also raise concern about the car park that would be sited on the boundary of the adjacent properties. Whilst no fence is proposed, this is something that could be provided by way of a condition, and which would go some way to protecting the privacy and amenities of neighbours from car park users. Landscaping could, in time, also help to form a more robust boundary. Additional landscaping throughout the site is also proposed, and a comprehensive landscaping scheme could be sought through a condition as recommended by the Council's Landscape Officer and as required by Policy LA6 of the Herefordshire Unitary Development Plan.

Parking and Highways

- 6.14 One of the key considerations raised during the pre-application process was the need to provide sufficient parking for the staff and parents to ensure that parking provision does not spill out onto the adjacent residential roads. The Traffic Manager is satisfied that enough parking has been provided within the site to accommodate the high numbers of staff that are employed at this special school. The majority of children are brought in by minibus from across the County and arrivals and departures are carefully co-ordinated with the school. This reliance upon mini-bus travel was a key consideration in the design of the school, with the hall being located close to the drop off point as children are gathered in the hall to wait for buses and in the mornings. Given the specialist nature of the school, and its large catchment, the use of mini-buses is the most sustainable method of transport for many of the pupils. The proposal would also not result in a practical significant increase in pupils at the school and as such, traffic movements and parking provision is unlikely to impact on highway safety in

accordance with the requirements of Policies DR3 and CF5 of the Herefordshire Unitary Development Plan.

Habitat Regulations Assessment / Drainage

- 6.15 The Council has recently identified an issue regarding phosphate levels in some of its watercourses. These are particularly high in the River Wye and this has significant implications due to its designation as a Special Area of Conservation (SAC). This designation gives the river European protection and the Council has a legal requirement as a competent authority under the Habitat Regulations to take into account the effects of development on it. This is different from the normal planning position of balancing competing issues or demands and assessing cases whereby impacts can be traded off against each other. The Regulations effectively superimpose on the normal process a structured, precautionary process which must be followed in order that a lawful decision can be reached. Because the cumulative 'in combination' effects of individual small scale schemes need to be assessed as part of that process, the Council must be convinced that the scheme in question will not adversely affect the integrity of the watercourse. If it cannot satisfy itself on that point, the scheme cannot proceed.
- 6.16 The development is likely to increase phosphates entering the Special Area of Conservation, however the recent SIMCAT report from the Environment Agency demonstrates that there is sufficient headroom regarding phosphate levels for this application alone or in combination with other plans and projects, as referred to in the table below, to comply with the Conservation Objectives for the SAC. In the event that Members resolve to approve this application, a formal HRA screening would need to be undertaken. Notwithstanding this, the position is potentially subject to change and if required a further update will be provided at the Committee meeting.

Conclusions

- 6.17 There is, without doubt, a need for this school to be extended to provide the additional space for the facilities that are required to provide the full specialist educational provision to meet the needs of pupils. However, there is a need to balance policies that seek to support the needs of this school and its pupils with the policies that seek to protect the amenities of residents and the enjoyment of their properties. In this instance, it is your officer's opinion that, by virtue of its size, scale, siting, proximity and mass this proposed extension would have a significant and detrimental impact on the amenities of the these residents. As such the proposed development is recommended for refusal as it would be contrary to the requirements of Policies CF5 and DR2 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed development, by virtue of its size, scale, mass, siting, proximity to the boundary would have a significant and detrimental impact on the amenities of the adjoining residential properties, contrary to Policies DR2 and CF5 of the Herefordshire Unitary Development Plan.**

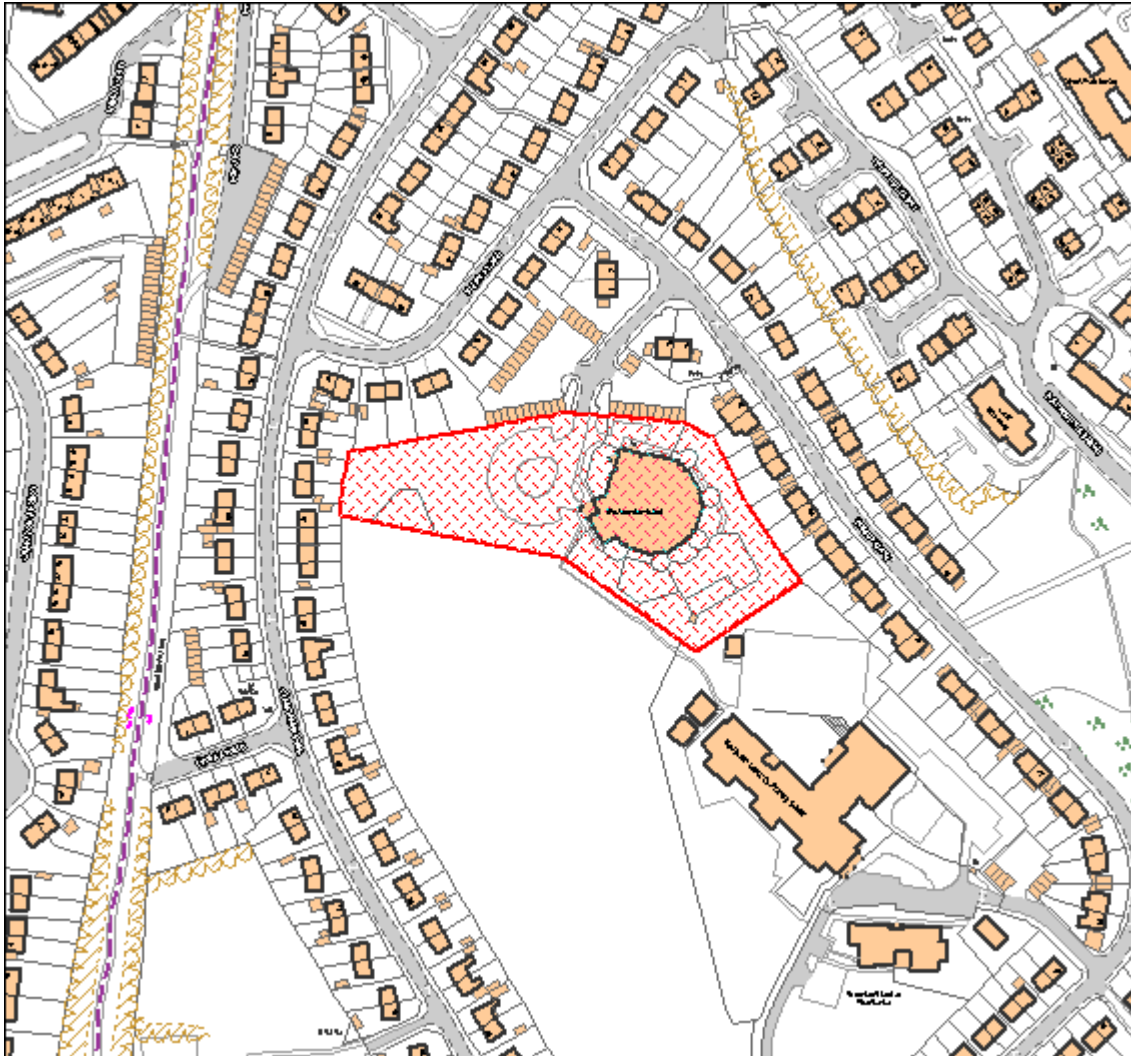
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: S/120539/CD

SITE ADDRESS: BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX

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:	27 JUNE 2012
TITLE OF REPORT:	<p>N121311/F - TO ERECT A NEW BUILDING TO BE USED FOR A MIXED USE FOR THE PURPOSES OF AGRICULTURE AND TO INSTALL A WOOD CHIP BOILER TO PROVIDE A HEAT SOURCE TO THE DWELLINGHOUSES KNOWN AS "LEADON COURT" AND "LITTLE LEADON" AT LEADON COURT, LITTLE LEADON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT</p> <p>For: Mr Morgan per John Ruck Construction Ltd, Longmead, Elms Green, Leominster, Herefordshire HR6 0NS</p>
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=121311&NoSearch=True

Date Received: 3 May 2012

Ward: Frome

Grid Ref: 368378,246675

Expiry Date: 28 June 2012

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site relates to part of Leadon Court that is situated on the northern side of Fromes Hill north of the A4103. Leadon Court consists of a Grade II Listed farmhouse with a number of traditional and some modern farm buildings forming a tight-knit farmyard. The farm has two accesses, both directly from the A4103. On the eastern access there are 5 commercial/light industrial units at the entrance (east of the farm complex) which are all let out to local businesses.
- 1.2 The proposal involves the construction of a steel portal framed agricultural storage building. The building joins an existing building on the western fringe of the farm complex. The building will be 17 x 10m, with a height of 6.6m. The building is to be constructed with a concrete block wall of 2.5m high with Jupiter green box profile steel sheeting above. The roof will be profile fibre cement sheeting finished in a natural grey colour. The building is to remain open on the southern elevation.
- 1.3 The building is to have a mixed use with 25% of the floor area used to house a biomass boiler and the other 75% for general agricultural use (machinery and fodder storage). The biomass boiler will consist of a 150kW woodchip boiler which will be used to provide heat for 2 domestic houses on the site with the potential for other building on site at a later date. The fuel for the boiler will come from the applicant's own woodland.

Further information on the subject of this report is available from Mr R Close on 01432 261803

2. Policies

2.1 National Policy

NPPF - National Planning Policy Framework

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR4	-	Environment
DR13	-	Noise
E13	-	Agricultural and Forestry Development
LA2	-	Landscape Character and Areas Least Resilient to Change
CF4	-	Renewable Energy

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

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

3. Planning History

- 3.1 DCH980176/F Change of use of agricultural buildings to B2/B8 use. Approved 15 July 1998.
- 3.2 DCN011457/L Alterations to kitchen and dining room. Approved.
- 3.3 DCN054045/L Conversion of redundant barn to blacksmiths workshop. Approved 10 January 2006.
- 3.4 N121516/S Proposed two cut and fill clay lined agricultural irrigation reservoirs - still under consideration.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

- 4.2 Traffic Manager: No comments received at the time of writing the report.
- 4.3 Conservation Manager (Ecology): No comments received at the time of writing the report.
- 4.4 Conservation Manager (Historic Buildings Officer): No comments received at the time of writing the report.

5. Representations

5.1 Bishops Frome Parish Council: No comments received at the time of writing the report.

Further information on the subject of this report is available from Mr R Close on 01432 261803

- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-
www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

Internet access is available at the Council's Customer Service Centres:-
www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The application seeks permission for a building to have a mixed use; the primary use being that of agriculture and the secondary for a biomass boiler for two domestic properties. The building will be located next to an existing building on the western fringes of the farm complex.
- 6.2 Policy E13 of the Herefordshire Unitary Development Plan sets out the criteria for considering new agricultural buildings. In summary the policy requires that in the case of new agricultural building that they are sited with existing groups of buildings where practical; adverse impacts on residential amenity and the environment are avoided; and proposals are well related to existing development and the landscape in terms of scale, design, colour and materials.
- 6.3 The siting of the building is entirely logical and allows the new building to read as part of the existing farm complex. The proposal is for an established agricultural enterprise and considered reasonably necessary in respect of agriculture. The farm itself is relatively well screened from the A4103 highway which runs along the southern boundary from existing planting and traffic travelling along the highway would not be able to view the development at all. Overall the proposed building will be readily assimilated into the landscape and will not adversely affect the visual amenities / character of the surrounding rural landscape.
- 6.4 The application also falls to be determined in accordance with Policy CF4 of the Herefordshire Unitary Development Plan which sets the provision for renewable energy proposals. The policy supports the provision of renewable energy developments providing regard is given to the wider environmental, social and economic benefits. Each renewable energy development needs to be carefully considered, as they should not be accepted at any environmental cost.
- 6.5 The proposed biomass boiler will be concealed within the building and will therefore not have any detrimental effect upon the character of the landscape. It is in close proximity to the two dwellings it will serve and is not considered to have any significant impact upon the amenities of neighbouring residents through noise.
- 6.6 In accordance with Policies E13 and CF4 the proposed development is considered acceptable and its impact on the surrounding landscape is considered to be minimal. The proposed building is well sited, and of an appropriate scale and design with its intended use fully justified. On this basis the proposal is recommended for approval.

RECOMMENDATION

Subject to there being no material planning issues raised by the outstanding consultation responses 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.**

Reason for Approval:

- 1. The proposed development is considered to be acceptable by the Local Planning Authority as it is well sited, well designed and of an appropriate scale and appearance in the context of the site. It is also considered to be reasonably necessary for the purposes of agriculture and will not harm the amenities of nearby residential dwellings. As such the development is considered to comply with Policies S1, S2, S7, DR1, DR2, DR4, E13, LA2 and CF4 of the Herefordshire Unitary Development Plan 2007 and the Central Government advice contained within the National Planning Policy Framework.

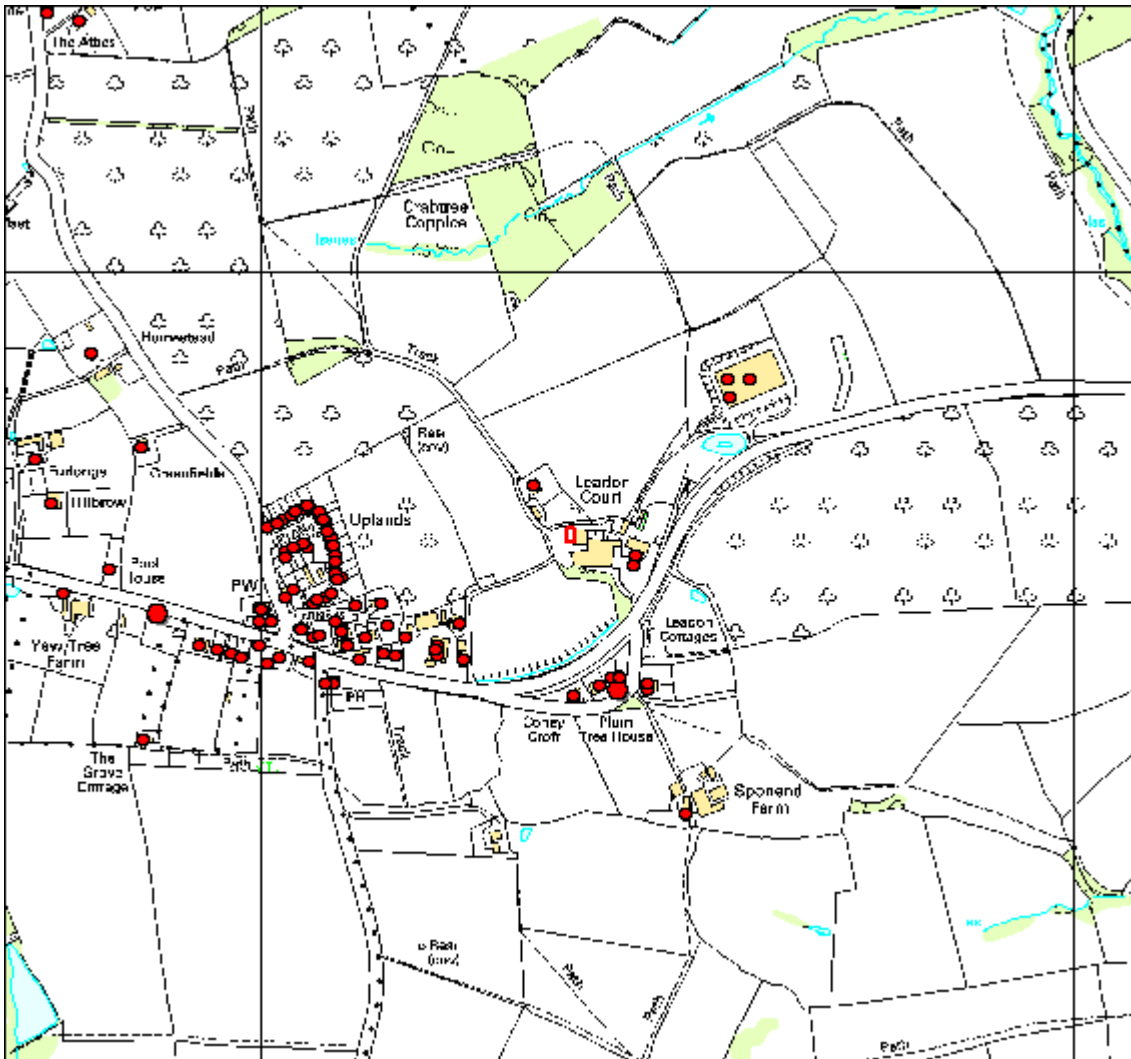
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



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

APPLICATION NO: N/121311/F

SITE ADDRESS: LEARDON COURT, LITTLE LEARDON, FROMES HILL, LEDBURY, HEREFORDSHIRE, HR8 1HT

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 Close on 01432 261803

