

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 31 August 2011 at 10.00 am**

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

**Councillors:** PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, DW Greenow, J Hardwick, JW Hope MBE, RC Hunt, JG Lester, MD Lloyd-Hayes, G Lucas, RI Matthews, FM Norman, GR Swinford, PJ Watts and JD Woodward

**In attendance:** Councillor CNH Attwood

**44. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors KS Guthrie, JLV Kenyon and P Jones CBE.

**45. NAMED SUBSTITUTES (IF ANY)**

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AM Atkinson and JD Woodward attended the meeting as substitute members for Councillors KS Guthrie and JLV Kenyon.

**46. DECLARATIONS OF INTEREST**

7. DMS/102921/O - Land to the East of Holywell Gutter Lane, Hampton Bishop, Hereford, HR1 4JN.

Councillor DW Greenow, Personal, The Councillor rents a farm from Bloor Homes.

7. DMS/102921/O - Land to the East of Holywell Gutter Lane, Hampton Bishop, Hereford, HR1 4JN.

Councillor JD Woodward, Personal, The existing rugby club falls within the Councillor's ward.

7. DMS/102921/O - Land to the East of Holywell Gutter Lane, Hampton Bishop, Hereford, HR1 4JN.

Councillor RI Matthews, Personal, The Councillor knows one of the public speakers.

8. DMS/111601/F - Outfall Works Road through Rotherwas to B4399, Hereford.

Councillor DW Greenow, Personal, A member of the Councillors family serves on the Parish Council.

8. DMS/111601/F - Outfall Works Road through Rotherwas to B4399, Hereford.

Councillor MD Lloyd-Hayes, Personal, The Councillor sits on the steering group as a local ward member.

9. DMS/111132/F - Field, The Leys, Lynne Down, Much Marcle, Herefordshire, HR8 2NS.  
Councillor AM Atkinson, Personal, Two of the objectors are customers of the Councillor.

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

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

11. DMS/111414/FH & DMS/111415/L - Edde Cross House, Edde Cross Street, Ross On Wye, Herefordshire, HR9 7BZ.  
Councillor PA Andrews, Personal, The applicants are friends of the Councillor.

#### 47. MINUTES

Councillor DW Greenow requested that the minutes be amended in respect of minute number 38 as he had stated that he knew two of the objectors to the application.

**RESOLVED: That the Minutes of the meeting held on 10 August 2011 be approved as a correct record and signed by the Chairman subject to the amendment detailed above.**

#### 48. CHAIRMAN'S ANNOUNCEMENTS

No announcements were made.

#### 49. APPEALS

The Planning Committee noted the report.

#### 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.**

### **51. DMS/111601/F - OUTFALL WORKS ROAD THROUGH ROTHERWAS TO B4399, HEREFORD**

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

In accordance with the criteria for public speaking Mr Green, representing Dinedor Parish Council, spoke in objection to the application, and Mr Palmer, the applicant's representative, spoke in support.

The Democratic Services Officer reported the receipt of an email from Councillor Sinclair-Knipe confirming that he was in agreement with the views expressed by Dinedor Parish Council.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor MD Lloyd-Hayes, one of the local ward members, commented on a number of issues, including:

- The application was the first phase of a larger application.
- The comments from the Parish Council needed to be addressed.
- Could risk losing funding by deferring the application.
- Been involved with the steering group as the local ward member for some time.
- The consultation exercise had been extensive including an open day and various presentations.
- The committee should support the application.

The debate was opened with a Member speaking in support of the application. Some concerns were raised in respect of possible crime and antisocial behaviour associated with the underpass and it was agreed that the safety of the public was paramount. Another point that was raised was a possible contribution from the applicant to assist with secure cycle storage at Rotherwas. The final point that was raised was in respect of the removal and possible translocation of the hedgerow.

However another Member expressed concerns in respect of the issues raised by the neighbouring Parish Councils regarding safety concerns at the eastern exit of the proposed route onto the B4399. It was felt that a site visit may benefit members in making a judgement on the highway, pedestrian and cyclist safety issues raised.

In response to the initial points raised by the committee, the Principal Planning Officer advised that the proposals would include cycle parking, benches and public art along the route. He added that translocation of the hedgerow could be considered although the quality of the existing hedge was deemed to be fairly low. In respect of the safety issues, he agreed that the exit point at the eastern end of the route was a concern and that it had been addressed in condition 19 of the recommendation. He added that the exit would not be operational until the safety works were carried out and that a scheme was currently being designed to alleviate the concerns.

A motion for a site inspection was seconded and a vote was taken. The motion was lost and the committee therefore continued to debate the application.

Members continued to speak in support of the application and felt that the proposed route would be an asset to the city. It was noted that any deferral of the application could jeopardise the funding of the route. Members added that the provision of secure cycle routes was paramount to the promotion of a healthy lifestyle for the residents of Hereford as well as suggesting that appropriate signage be used to highlight the public transport links and other nearby cycle routes.

Councillor MD Lloyd-Hayes was given the opportunity to close the debate. She reiterated her opening remarks and made the following additional comments:

- There was one section along the route that was adjacent to a high metal fence. It was noted that the tenant had offered to relocate if finances were available from the project to assist with relocation costs.

## **RESOLVED**

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

**That planning permission be granted subject to the following conditions and any further conditions considered necessary by officers:**

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. E01 Site investigation - archaeology**
- 5. G03 Retention of existing trees/hedgerows**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G09 Details of Boundary treatments**
- 8. G10 Hard and soft landscaping scheme including consideration of translocation of existing hedgerow**
- 9. G11 Landscaping scheme - implementation**
- 10. H27 Parking for site operatives**
- 11. I16 Restriction of hours during construction**
- 12. I20 Scheme of surface water drainage**
- 13. I25 Bunding facilities for oils/fuels/chemicals**
- 14. I33 External lighting**
- 15. I55 Site Waste Management**
- 16. K1 Nature Conservation - access for recording**
- 17. K5 Habitat Enhancement Scheme**
- 18. M08 Flood warning**
- 19. Notwithstanding the approved plans, the last section of the Greenway between Fordshill road and the B4399 hatched green on drawing number shall not be accessible to the public until a scheme of highway, pedestrian and cyclists safety improvement works at the junction of the Greenway and the B4399 has been submitted for the approval in writing to the Local Planning Authority.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 24 M09 Contamination**

**25 M10 Unsuspected Contamination**

**26 Secure covered cycle parking**

**INFORMATIVES:**

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

**2. N19 Avoidance of doubt - Approved Plans**

**3. HN02 Public rights of way affected**

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

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

He also gave further details regarding the outcome of the previous appeal relating to the site. He advised Members that there were 4 key considerations in the Inspectors decision, these related to: sustainability; the impact on the landscape character; the impact on the setting of Gamage Farmhouse; and the impact on biodiversity.

In accordance with the criteria for public speaking Mr Morgan, representing Much Marcle Parish Council, and Mr Roskill, representing some of the local residents, spoke in objection to the application and Mr Baines, the applicant's representative, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor BA Durkin, the local ward member, advised Members that his comments from the last meeting still stood and that he had serious concerns regarding the sustainability and highway safety of the proposed site.

Members opened the debate by speaking in support of the application. It was noted that a site inspection had been undertaken the previous day which had been well attended and was beneficial to members when making a judgement in respect of the site. Concerns were expressed in respect of the proposed new access with members considering the existing access to be acceptable. It was also noted that the metal railings bordering the highway should be retained for highway safety reasons. Members felt that the applicants had acted responsibly throughout the application process and should be commended.

There were further comments in support of the application however there were still concerns in respect of the sustainability of the site. It was noted that the nearest small settlement was Much Marcle, which was located 2.4km away from the site along an unlit road with a sporadic bus service.

Members went on to discuss issues of concern in respect of the application and noted that the proposed hedgerow planting would take a considerable amount of time to reach maturity. It was also noted that the application site was in the setting of a listed building. In reference to the policy issues the Committee were of the opinion that the key policies related to Unitary Development Plan policies S1, S3, S6, DR4, DR6 and H12. The impact on the landscape was also discussed with the general view being that it could not be mitigated through screening.

Members did note that there was still a shortage of traveller sites within the county but felt that the proposed site was not acceptable.

In response to a question regarding maximum caravan sizes, the Team Leader (South) advised Members that under the 1966 Caravan Sites Act a caravan could be a maximum of 60 x 20 feet.

A motion to approve the application in accordance with the case officer's recommendation was lost and the resolution detailed below was agreed.

## **RESOLVED**

**THAT the planning permission be refused for the following reasons:**

- 1. The provision of a gypsy/traveller site in this rural location would not be sustainable since it is considered to be too remote from local services and amenities available in Much Marcle, Ross-on-Wye and Ledbury. Accessibility to these services is further compromised by the limited bus service available and the lack of safe pedestrian/cycle routes to the nearest identified settlements. Accordingly the proposal is considered to be contrary to Policies S1 and H12 of the Herefordshire Unitary Development Plan.**
- 2. The proposed location of the accommodation and associated residential paraphernalia, by reason of its prominent and elevated position on the site and the loss of hedgerow required to form the new access would not be adequately mitigated by the proposed hedgerow and orchard planting and as such would have a detrimental impact on the intrinsic quality of the landscape contrary to Policy LA2 of the Herefordshire Unitary Development Plan.**
- 3. The proposed development by reason of its scale, appearance and proximity to the nearby listed farmhouse would be detrimental to its rural and predominantly agricultural setting and therefore contrary to Policy HBA4 of the Herefordshire Unitary Development Plan.**

### **53. DMN/111429/F & DMN/111430/C - HEDGEBANK, OLD CHURCH ROAD, COLWALL, HEREFORDSHIRE, WR13 6EZ**

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

In accordance with the criteria for public speaking Mr Ashton, representing Colwall Parish Council, and Mr Pile, a neighbouring resident, spoke in objection to the application and Mrs Bradley, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor CNH Attwood, the local ward member, stated that he was pleased that the application had been brought before the Planning Committee due to the local interest it had generated.

Members discussed the application and noted that the existing bungalow was of little architectural merit. They noted that Colwall benefitted from various types of dwellings and felt that the proposed application was acceptable.

In response to a question, the Senior Planning Officer advised members that the proposed dwelling was 6 metres away from the western boundary and 1.5 metres from

the eastern boundary. He also added that the footprint off the proposed dwelling was similar to the existing one although it was set approximately 4 metres further back on the site.

## **RESOLVED**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C01 Samples of external materials**
- 4. I51 Details of slab levels**
- 5. H13 Access, turning area and parking**
- 6. G02 Retention of trees and hedgerows**
- 7. F16 No new windows in specified elevation**
- 8. I16 Restriction of hours during construction**
- 9. H08 Access Closure**
- 10. H27 Parking for site operatives**

## **INFORMATIVES:**

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

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

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

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

**INFORMATIVES:**

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

**54. DMS/111414/FH & DMS/111415/L - EDDE CROSS HOUSE, EDDE CROSS STREET, ROSS ON WYE, HEREFORDSHIRE, HR9 7BZ**

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor G Lucas, one of the local ward members, advised the Committee that the application would improve the existing dwelling.

**RESOLVED**

**With respect to DMS/111414/FH that planning permission be granted subject to the following conditions:**

- 1. A01 Time limit for commencement (full permission)**

**INFORMATIVE:**

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

**With respect to DMS111415/L that listed building consent be granted subject to the following conditions:**

- 1. D01 Time limit for commencement**
- 2. B01 Development in accordance with the approved plans**
- 3. D02 Approval of details**
- 4. D04 Details of window sections, eaves, verges and barge boards**

**INFORMATIVE:**

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

**55. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**



# 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 1<sup>st</sup> 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 to 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.

**DMS/111601/F- Construction of a shared footway/cycleway from Outfall Works Road in Tupsley through Rotherwas Industrial Estate to the B4399 Holme Lacy Road at Sink Green including a new bridge over the River Wye at Outfall Works Road through Rotherwas to B4399, Hereford.**

**For: Herefordshire Council Per Mr Andrew Palmer, Thorn Business Park 3 Rotherwas Industrial Estate, Hereford, HR2 6JT**

## **ADDITIONAL REPRESENTATIONS**

### Natural England.

Until further ground surveys have been completed, there remain uncertainties regarding the construction methods and timings of the bridge works and therefore the risks posed to migratory fish. We therefore welcome the Councils suggested planning condition (as detailed below) and a condition requiring a Construction and Environmental Management Plan.

Subject to these conditions, we agree with the Appropriate Assessment conclusion that the development will not adversely affect the integrity of the River Wye Special Area of Conservation. Natural England therefore has no objection to the application.

### Council Ecologist

The river bank at the location of the proposed ramp adjacent to Outfall Works Road is heavily engineered with vertical concrete walls to the water's edge. The proposed bridge will span the river and there will be no in-channel works. The methodology and timing of the construction will need to be carefully controlled in order to ensure that there is no impact on the river or its designated features.

There will be some loss of vegetation where the ramp is to be constructed and this will need to be undertaken sensitively and at an appropriate time of year to avoid the bird nesting season or be preceded by checks for nesting birds. A Habitats Regulations Appropriate Assessment concludes that subject to the inclusion of appropriate conditions regarding the construction works, there will be no likely significant effect on the River Wye SAC.

Otters are present along the River Wye and a resting place has been recorded further downstream from the proposed bridge, but will not be affected. I welcome the provision of an artificial otter holt as part of these proposals. The southern bank of the river is pasture; there will be disturbance of this during construction and it will need to be reinstated post-construction with an appropriate seed mix. Sand martins have been recorded nesting in the sand bank on the southern side of the river; an appropriate mitigation strategy with provision of an artificial nesting site has been devised.

There are reptile and bat records across the Estate and the proposed site clearance along the route will need to be undertaken with care. Post construction, there will be habitat enhancement along the route to provide a wildlife corridor and green infrastructure link. The Special Wildlife Site will need to be protected during construction and there are nearby badger setts that will need to be monitored. I am concerned about the loss of tree cover on the railway corridor to the west of Fordshill Road; clearance will need to be strictly controlled and habitat compensation measures imposed to ensure habitat connectivity is maintained.

If the application is approved, I recommend conditions requiring a Construction and Environmental Management Plan, ecological monitoring and habitat enhancement and the additional condition set out in the recommendation below.

### Environmental Health Manager

The Phase 1 Environmental risk Assessment has recommended an intrusive investigation is undertaken. A condition is therefore recommended to cover this requirement.

A letter of support has been received from Jesse Norman MP commenting that although it is disappointing that the Welsh Water bridge cannot be used, the Greenway will improve access to Rotherwas Enterprise Zone offering many health, economic and environmental benefits and will be a step towards Hereford becoming the UK's next great cycling city.

### **OFFICER COMMENTS**

The concerns and requirements of both Natural England and the Council's ecologist can be addressed through an appropriate condition as detailed below.

### **CHANGE TO RECOMMENDATION**

Recommend Approval subject to an additional condition as follows:

The proposed piling works associated with the construction of the new bridge supports and associated ramps shall not take place between the months of April and June (inclusive) unless a construction methodology is submitted to and agreed in writing by both the Council in consultation with the Environment Agency and Natural England which demonstrates that the piling works will not have any significant effect on the River Wye Special Area of Conservation and particularly migratory fish. The piling works shall be carried out in accordance with the agreed methodology and timing. Percussive piling is not permitted at any time.

Reason: To safeguard the biodiversity interest of the River Wye Special Area of Conservation in accordance with UDP policy NC1 and the Conservation of Habitats and Species Regulations 2010

:

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

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

### **OFFICER COMMENTS**

Since the publication of this updated report, two appeals have been allowed for single pitches at sites in Barnet Lane, Wigmore. The number of pitches required to meet the unmet demand upto 2012 has accordingly reduced to 45.

In response to questions arising at the Committee site visit, the Transportation Manager has advised that the use/alteration of the existing field access in the NE corner of the site would not achieve sufficient visibility since it would require works to hedgerow outside of the applicant's control. There was also a concern about a vehicle towing a caravan into and out of this access at an acute angle and the potential conflict with users of the footpath/bridleway.

Similarly the choice of location for the siting of the caravans has been informed by the refusal of two previous schemes. The first proposal involved locating the caravans towards the southern boundary which was considered to be too visually isolated, whilst the second was too close to the listed building (Gamage Farm) such that it would affect its setting. The revised location has therefore evolved as a compromise that seeks to retain as much of a visual relationship with the farmhouse and buildings as possible whilst respecting the setting of the historic complex of buildings.

#### **NO CHANGE TO RECOMMENDATION**

**DMN/111429/F - To demolish existing dormer bungalow and replace with highly energy efficient and sustainable 4 bedroom house at Hedgebank, Old Church Road, Colwall, Herefordshire, WR13 6EZ**

**DMN/111430/C - To demolish existing dormer bungalow and replace with highly energy efficient and sustainable 4 bedroom house at Hedgebank, Old Church Road, Colwall, Herefordshire, WR13 6EZ**

**For: Mr Bradley per Mr I C Bradley, Hedgebank Old Church Road, Colwall, Herefordshire, WR13 6EZ**

#### **ADDITIONAL REPRESENTATIONS**

Letter received from "Campaign to Protect Rural England – Herefordshire" who object to the proposed replacement dwelling as it would be out of character with the neighbouring properties and not appropriate to its setting.

#### **OFFICER COMMENTS**

The comments are noted but do not alter the recommendation.

#### **NO CHANGE TO RECOMMENDATION**