

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.**