

OUTLINE PLANNING PERMISSION

Applicant:

Hereford Rugby Football Club
Wyeside
Belvedere Lane
Off Broomy Hill
Hereford
HR4 0BE

Agent:

Mrs Sally Tagg
Foxley Tagg Planning Ltd
Festival house
Jessop Avenue
Cheltenham
Gloucestershire
GL50 3SH

Date of Application: 19 November 2010

Application No: DMS/102921/O

Grid Ref: 354239:239067

Proposed development:

SITE: Land to the East of, Holywell Gutter Lane, Hampton Bishop, Hereford, HR1 4JN

DESCRIPTION: Development of grass and all weather sports pitches, clubhouse, indoor training building, car parking and landscaping supported by enabling residential development of 190 units.

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that OUTLINE PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

Site Wide Conditions

- 1 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy DR1 of the Herefordshire Unitary Development Plan.

- 4 Plans and particulars of the reserved matters referred to above relating to the layout, scale, appearance and landscaping shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 5 The development shall be carried out in accordance with the approved plans detailed below and design code appended to this decision notice:

Land Use Plan - TE-0014-13D
Proposed Access Arrangements – 18 Rev H

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 6 No development shall commence until a plan has been submitted to and approved in writing by the local planning authority identifying the construction phasing for both the residential and rugby developments. The development shall be constructed in accordance with the agreed phasing plan unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the acceptable phasing of the construction and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

- 7 No development shall take place within each phase until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service. The development shall be carried out in accordance with the approved programme of work.

Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of the Herefordshire Unitary Development Plan.

- 8 No development, including demolition works shall be commenced on site or site huts, machinery or materials brought onto the site, before adequate measures have been taken to prevent damage to those trees/hedgerows that are to be retained. Measures to protect those trees and hedgerows must include:

a) Root Protection Areas for each hedgerow/tree/group of trees must be defined in accordance with BS5837: 2005 - Trees in relation to construction, shown on the site layout drawing and approved by the Local Planning Authority.

b) Temporary and/or permanent protective fencing, of a type and form agreed in writing with the Local Planning Authority must be erected around each hedgerow, tree or group of trees. The fencing must be at least 1.25 metres high and erected to encompass the whole of the Root Protection Areas for each hedgerow/tree/group of trees.

c) No excavations, site works or trenching shall take place, no soil, waste or deleterious materials shall be deposited and no site huts, vehicles, machinery, fuel, construction materials or equipment shall be sited within the Root Protection Areas for any hedgerow/tree/group of trees without the prior written consent of the Local Planning Authority.

d) No burning of any materials shall take place within 10 metres of the furthest extent of any hedgerow or the crown spread of any tree/group of trees to be retained.

e) There shall be no alteration of soil levels within the Root Protection Areas of any hedgerow/tree/group of trees to be retained.

Reason: To safeguard the native trees and hedgerows and to ensure that the development conforms with Policies DR1 and LA5 of the Herefordshire Unitary Development Plan.

- 9 Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 10 During the construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 07.30-18:00, Saturday 08.00 -13.00 nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 11 The details to be submitted as reserved matters under condition 1 shall include the following:

a) Details of earthworks which shall include the existing contours and ground levels and the proposed grading of land areas including the contours and levels to be formed. Cross sections or a computer generated pre and post development landform model across the site identifying the existing and proposed levels must be included, to show the relationship of the proposed grading to the surrounding landform and existing vegetation.

b) A materials handling strategy

c) A Site Waste Management Plan detailing the sustainable management of waste.

The development shall be carried out in accordance with the approved earthworks, materials handling strategy and provisions of the approved waste management plan.

Reason: In order to ensure the development is assimilated with existing site contours and wider landscape, in the interests of pollution prevention and efficient waste minimisation and management and to comply with Policies DR1, LA5, S10 and DR4 of Herefordshire Unitary Development Plan.

- 12 The new vehicular access as detailed on drawing number 18 revision H including the permanent closure of the existing vehicular access shall be completed in accordance with the approved plans prior to any other works hereby permitted commencing. Thereafter, all construction traffic shall enter and leave the site via this access only.

Reason: To ensure a safe vehicular access is provided to serve the construction and operational phases of the development in the interest of highway and pedestrian safety and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.

- 13 No development shall commence until full details of the off site foul drainage works proposing a connection to the 1450mm public combined sewer at manhole ref. SO52391379 (or other such connection as agreed in writing with the council in consultation with Welsh Water) as shown on the statutory sewer plan shall be submitted to and approved in writing by the local planning authority in consultation with Welsh Water. The foul drainage scheme shall be completed in accordance with the approved details prior to the first occupation of any part of the development hereby permitted.

Reason: In order to ensure that satisfactory foul drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 14 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include measures to minimise the extent of the dust, odour, noise and vibration, the risk of contamination, the management of construction traffic and biodiversity impacts arising from the construction process to include habitat protection measures as set out in the Environmental Statement along with a system to enable the monitoring, reporting and auditing of compliance and mechanism for corrective action. Construction shall be carried out in accordance with the approved Construction Environmental Management Plan.

Reason: To protect the environment, the biodiversity interest of the site and safeguard the amenity of properties in the locality and to comply with Policies DR2, DR3, DR4, NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.

- 15 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

The Remediation Scheme, as approved above shall be fully implemented before each phase is occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: To ensure the potential contamination is satisfactorily dealt with before the development is occupied and to comply with Policies DR4 and DR10 of the Herefordshire Unitary Development Plan

- 16 No works shall commence on the construction of the dwellings or rugby development buildings until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design, materials and finish of any boundary treatment both within and around the residential and rugby developments to be erected along with a timetable for its installation. Development shall be carried out in accordance with the approved details and timetable.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and enhance the biodiversity value of the site in order to conform to Policies DR1, LA6 and NC8 of Herefordshire Unitary Development Plan.

- 17 No works shall commence on the construction of the dwellings or rugby development buildings until a landscape design has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

- a) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas.
- b) A construction specification for the grass rugby pitches.
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

- a) Car parking layout and other vehicular and pedestrian areas.
- b) Hard surfacing materials (e.g. driveways, green infrastructure, parking courts etc).
- c) Minor structures (e.g. street furniture, lighting, refuse areas, signs etc.).
- d) A plan identifying the location of existing and proposed functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating routes, manholes, supports etc.).
- e) A construction specification for the 3G rugby pitch.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 18 The landscaping scheme approved under Condition 17 shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of each phase of the development as agreed under condition 6. The landscaping shall be maintained for a period of 5 years.

During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

The hard landscaping shall be carried out concurrently with the development hereby permitted and shall be completed within each phase (as agreed under condition 6) prior to the occupation of the last dwelling or use of the rugby buildings within that phase.

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 19 With the exception of the construction of the new vehicular access and closure of the existing access, no other development shall take place until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and construction phasing to be agreed under condition 6.

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 20 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 21 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works to include full details and plans of the attenuation pond(s) including landscaping and planting specifications has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed in accordance with the approved details and construction phasing to be agreed under condition 6. The attenuation pond(s) shall be completed prior to occupation of any dwellings or use of the rugby buildings hereby permitted.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of managing surface water drainage and to comply with Policies DR4 and NC7 of Herefordshire Unitary Development Plan.

- 22 No development shall commence within each phase until a detailed plan showing the levels of the existing site, the proposed slab levels of the dwellings, garages and rugby buildings and associated road, footpath and playing pitch levels relevant to each phase assessed against a fixed datum point outside of the site, shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Residential Development as defined on drawing number TE-0014-13D - Conditions

- 23 No works shall commence on the construction of the residential units until samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. This shall include the construction of a full sample panel or mock elevation on site incorporating all external materials and finishes. 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.

- 24 Prior to first occupation of any dwelling, details of the play area including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be constructed in accordance with the approved details and requirements of the Section 106 Agreement.

Reason. In order to comply with the requirements of Policy H19 of Herefordshire Unitary Development Plan.

- 25 Prior to the first occupation of any dwelling within each phase as agreed under condition 6, an area for car parking shall be laid out within the curtilage to serve that property, in accordance with the approved plans 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 those areas 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.

- 26 No works shall commence on the construction of the residential units until a scheme for the provision of covered and secure cycle parking within the curtilage to serve each dwelling has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the cycle parking shall be available for use prior to the occupation of any dwelling to which the cycle parking serves.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 27 The development hereby permitted is for the construction of no more than 190 residential units.

Reason: In order to define the terms of the permission as an enabling development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

Rugby Development as defined on drawing number TE-0014-13D - Conditions

- 28 No works shall commence on the construction of the clubhouse and indoor training building until samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. This shall include the construction of a full sample panel on site incorporating all external materials and finishes. 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.

- 29 A landscape and habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the buildings or first use of the pitches. The landscape management plan shall be carried out as approved.

Reason: In order to maintain the visual amenity of the area and to comply with Policies LA6 and NC9 of Herefordshire Unitary Development Plan.

- 30 The rugby club development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

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.

- 31 No works shall commence on the construction off the clubhouse and indoor training building until a scheme for the provision of covered and secure cycle parking has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the cycle parking shall be available for use prior to the occupation of the buildings or first use of the pitches hereby permitted.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 32 No works shall commence on the construction off the clubhouse, indoor training building or the pitches until full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) has been submitted to and be approved in writing by the local planning authority. The details shall include the following:

- a) Details of cowls, louvres or other shielding.
- b) Lux levels and luminance plans.
- c) The angle of the floodlights.
- d) Position, design, height and finish for the floodlighting columns.
- e) Operating hours for the pitch floodlights.

The approved external lighting shall be installed and thereafter maintained and operated in accordance with the approved details and operating times and no other external lighting shall be installed upon the site (including upon the external elevations of the buildings) without the prior written consent of the local planning authority. The agreed floodlighting operating times shall not varied without the prior written agreement of the local planning authority.

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 33 No works shall commence on the construction off the clubhouse and indoor training building until a scheme to control the noise emanating from the buildings has been submitted to and agreed in writing with the local planning authority. The scheme shall include administrative measures such as details of the day to day management of the facilities and opening hours and physical measures such as noise attenuation being incorporated within the design and fabric of the buildings. The development shall be constructed and operated thereafter in accordance with the approved details.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 34 Notwithstanding the submitted details, no works shall commence on the construction of the clubhouse and indoor training building until details of the siting, height, and external appearance of the noise attenuation barrier shall be submitted to and approved in writing with the local planning authority. The noise attenuation barrier shall be installed in accordance with the approved details and maintained thereafter prior to first occupation of the buildings or first use of the pitches hereby permitted.

Reason: To protect the amenities of nearby properties and comply with Policy DR13 of the Herefordshire Unitary Development Plan.

- 35 The clubhouse and indoor training facility hereby permitted shall be designed in accordance with the design and layout details set out in the Sport England/NGB Technical Design Guidance Notes to include 'Access for Disabled People 2002', 'Pavilions and Clubhouses' and 'Multi Use Games Areas - Part 3 - to be a minimum speciation of a Type 4 MUGA, unless otherwise agreed with the Local Planning Authority in consultation with Sport England. The development shall be constructed in accordance with the approved details.

Reason: To ensure the pavilion and indoor training facility is appropriately designed to provide a comfortable and safe environment for a wide range of sports and to comply with Policy RST1 of the Herefordshire Unitary Development Plan and Sport England technical Design Guidance Notes.

- 36 No works shall commence on the construction off the clubhouse and indoor training building until details have been provided of the means of restricting the usage of the existing vehicular access north of the property known as The Lodge, Hampton Bishop for maintenance of the retained ecological and orchard areas, the lower rugby club pitches and emergency purposes only. The approved details shall be completed prior to first occupation of the rugby buildings or first use of the pitches and the access shall be controlled thereafter in accordance with the approved details.

Reason: In the interests of highway safety, to protect the amenities of nearby properties and comply with Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

- 37 The cumulative gross external floor area of the clubhouse and indoor training building shall not exceed 5000 square metres.

Reason: To define the terms of the permission, ensure the buildings are of a scale that is appropriate to the site and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.

- 38 No construction works including tree removal, soil moving/storage or storage of plant, equipment or materials shall take place within the area hatched dark green and described as protected orchard on drawing number TE-0014-13D until 1 May 2013.

Reason: To allow time for the rare orchard trees within this area to be assessed and recorded and new trees to be grafted and propagated and to comply with Policies NC6 and NC7 of the Herefordshire Unitary Development Plan.

- 39 No development shall commence until the developer has appointed a suitably qualified ecologist to oversee the development. The ecologist shall be present on site to oversee the installation of habitat protection measures, all site clearance and tree removal works.

Reason: To ensure the nature conservation interest of the site are protected during site clearance, set up and construction and to comply with Policy NC1 of the Herefordshire Unitary Development Plan.

Reasons for Approval:

- 1 In reaching the decision to grant outline planning permission, regard has been had to the National Planning Policy Framework and relevant saved policies in the Herefordshire Unitary Development Plan 2007 listed below:

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
- RST10 – Major Sports Facilities
- HBA6 - New Development within Conservation Areas
- ARCH1 Archaeological Assessments & Field Evaluations

The local planning authority was also mindful of the particular circumstances of the case, supplementary planning guidance and all other relevant material planning considerations.

The application was consulted upon in accordance with the statutory requirements and the results of the public consultation, consultee responses and the content of the application including the Environmental Statement were reported to Planning Committee and taken into account in the consideration of the application.

The site falls within open countryside and the development does not satisfy any of the exceptions listed within policy H7 of the UDP. As such, the council acknowledges that the approval of the development is a departure from the requirements of policy H7. In considering the acceptability of the development, the following material planning considerations were given weight in departing from Policy H7.

Regard has been had to the requirements of Section 6 of the National Planning Policy Framework and the need to consider housing applications in the context of a presumption in favour of sustainable development. In particular, the council currently has a shortfall in its 5 year supply of deliverable housing land and therefore the delivery of a balanced mix of 190 one to four bedroom units in a sustainable location assists in meeting the current shortfall. Additionally, 35% of the 190 units will be mixed tenure affordable housing fulfilling the requirements of Herefordshire Unitary Development Plan Policy H9 and associated adopted supplementary planning guidance.

The council accepts that a need for the new sports facilities exists and that there are no suitable sites within the urban area to accommodate the facilities. It has also been demonstrated that the environmental impact of the sports facilities are acceptable and that the site is readily accessible by a choice means of transport as required by Herefordshire Unitary Development Plan Policies S8 and RST10. The community health and well-being benefits that these facilities will offer also meet the aims of section 8 of the National Planning Policy Framework.

Under the requirements of Herefordshire Unitary Development Plan Policy DR2, the land uses are considered to be compatible and having regard to the site assessment analysis, it is accepted that the proposed site is the most suitable, available and viable.

The visual and landscape impact of the development on the site and the setting of the city is acceptable in accordance with the requirements of Herefordshire Unitary Development Plan Policies S7, LA2 and LA3. The Ecological Management Plan within the Section 106 Agreement ensures the development is also compliant with policy NC6 through the protection and long term management of the retained orchard. Additionally, the Ecological Management Plan secures measures to restore and enhance the retained landscape features such as the orchard, native woodland belt and hedgerows thus fulfilling the criteria within Herefordshire Unitary Development Plan Policies LA2, LA3 and NC6.

The ecological surveys including the update surveys carried out in 2011 submitted with the application and the content of the Environmental Statement also demonstrates the development will retain the favourable conservation status of the European Protected Species and other flora and fauna within the site. This position is further secured through the Ecological Management Plan which includes measures to safeguard the European Protected Species and other species and their habitat during construction whilst restoring and enhancing the habitat and wildlife opportunities within the site in the long term. This along with the conclusions above on the site assessment analysis and the fact the approval of the development is considered to be in the public interest also ensures the species protection provisions of the Habitat Directive are satisfied.

The delivery of community allotments along with the other community infrastructure secured through the Section 106 Agreement including the safeguarding of additional publicly owned sports and recreation facilities, the delivery of affordable housing and the provision of new community education, sustainable transport and play infrastructure are also a material considerations in favour of the development.

The Council has screened the impact of the development on the Special Area of Conservation and determined the development will not have any likely significant effect thus meeting the requirements of Herefordshire Unitary Development Plan Policy S7 and the Habitat Regulations. Natural England concur with this conclusion.

Other relevant planning considerations including the impact on heritage assets, the layout and design considerations of the amended proposals, sustainable transport links and pollution prevention are considered compliant with the relevant Herefordshire Unitary Development Plan policies and National Planning Policy Framework. In particular, public concerns and compliance with the UDP policies listed below have been addressed with the technical information contained within the Environmental Statement and other supporting documents and/or is acceptably controlled and mitigated through conditions and the Section 106 Agreement:

- T8 concerning the means of access, traffic impacts and accessibility of the site
- DR4 concerning the proposed drainage strategy, enhanced sustainable construction standards and environmental impact of the development including the impact on the amenity of local residents
- DR5 in relation to the agreed planning obligation
- DR7 concerning the flood risk to the development and on the wider area

In summary, the approval of the development is a departure from Herefordshire Unitary Development Plan Policy H7. However, having regard the requirements of the National Planning Policy Framework and its presumption in favour of sustainable development, compliance with other Herefordshire Unitary Development Plan policies and particularly, the creation of new sports facilities meeting an identified need, the delivery of additional housing and affordable housing in the context of current shortfall in the Council's deliverable housing land, the sustainability of the development and the sustainable location of the site, the provisions of the planning obligation and the

acceptable environmental, landscape and biodiversity impact of the proposals, the development is considered acceptable.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision, please view the Planning Committee minutes on www.herefordshire.gov.uk or by contacting Hereford Customer Services, Franklin House, 4 Commercial Road, Hereford. HR1 2BB (tel: 01432 261563)


Informatives:

- 1 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act
- 2 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations. It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Adequate storm water disposal arrangements must be provided to enable Herefordshire Council, as Highway Authority, to adopt the proposed roadworks as public highways. The applicant is, therefore, advised to submit the engineering and drainage details referred to in this conditional approval at an early date to the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ for assessment and technical approval. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
- 3 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact the Senior Engineer, PO Box 236, Plough Lane, Hereford HR4 0WZ to progress the agreement.
- 4 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Herefordshire Council's Highways and Transportation Section, Thorn Business Park, Rotherwas, Hereford, HR2 6JT (Telephone 01432 261800), shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification, and supervision arranged for the works.

Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Network Management Team are advised as a minimum of 4 weeks to 3 months notification is required (dictated by type of works and the impact that it may have on the travelling public). Please note that the timescale between notification and you being able to commence your works may be longer depending on other planned works in the area and the traffic sensitivity of the site. The Network Management Team can be contacted on Tel 01432 261800.

- 5 The applicant's attention is drawn to the requirement that, in all cases where an Agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be installed by the developer of the site in accordance with the design issued by the Highway Authority and their design shall include any necessary amendments to the existing system.

Planning Services
PO Box 230
Hereford
HR1 2ZB



Date: 17 September 2012

DEVELOPMENT MANAGER

YOUR ATTENTION IS DRAWN TO THE NOTES BELOW

Please note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

NOTES

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Right to Challenge the Decision of the High Court

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and permission is granted, you cannot appeal that decision. Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review (JR).

The decision may be challenged by making an application for judicial review to the High Court. The time limits for bringing such challenges are very strict, and applications need to be made as soon as possible after the issue of the decision notice. So, if you think you may have grounds to challenge a decision by Judicial Review you are advised to seek professional advice as soon as possible.

These notes are provided for guidance only and apply to challenges under the legislation specified. If you require further advice on making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000). For further information on judicial review please go to <http://www.justice.gov.uk>

The Council has taken into account environmental information when making this decision. The decision is final unless it is successfully challenged in the Courts. The Council cannot amend or interpret the decision. It may be redetermined by the Council only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Development Parameters/Design Code

Residential Development

Amenity Space

All dwellings shall be served by an area of private amenity space. Where practicable, the amenity space shall also be south facing and permeable. The required provision is as follows:

- 1 bed – minimum of 20 sq metres
- 2 bed - minimum of 50 sq metres
- 3 bed - minimum of 65 sq metres
- 4 bed - minimum of 80 sq metres
- 5 bed - minimum of 100 sq metres

Waste Management

All dwellings shall be provided with an accessible space for the storage of 240 litre wheeled bin for recyclables and additional general refuse storage.

Parking and Garages

Unless otherwise agreed, the required parking ratio for the development is as follows:

- 1 bed - 1 space, 1 bicycle space
- 2 bed - 1 space, 2 bicycle spaces
- 3 bed - 2 spaces, 3 bicycle spaces
- 4/5 bed - 3 spaces, 4 bicycle spaces

All garages shall be a minimum internal dimension of 6M by 3M if they are to be proposed for vehicular and/or cycle parking.

Materials

The predominant external materials should be

Walls - Brick and timber cladding

Roofs - Natural slate or slate appearance tiles and small profile tile

Smaller areas of render and stone can also be introduced to define key elevations.

Designs

In general, dwellings should have a subtle contemporary appearance in terms of their form and detailing. The character of the development can also be changed between different cells through a variation in dwelling design, appearance and development density.

Housing mix

The development shall comprise of a mixture of 1, 2, 3, 4 and 5 bedroom properties. These shall include a mixture of apartments in the form of

maisonettes and dwellings in the form of terrace, semi detached and detached housing.

The affordable housing shall be distributed across the site in clusters of between 8 and 16 units and each cluster shall comprise a mixture of social rented and shared ownership units.

Road Structure

The development shall be designed around a hierarchy of roads as follows:

- Principal Road (from Hampton Park Rd to the junction between the residential and rugby developments) – 5.5 metre width with a 2 metre footway and incorporating a Great Crested Newt underpass.
- Secondary Roads – 4.8 metre width with a two metre footway. Road alignment to be varied through provision of dedicated on street parking and landscaping
- Tertiary Roads – Width defined by the number of properties accessed off the road and the street character. To adopt a shared space design where appropriate with traffic calmed through the introduction of street trees/street furniture, on street parking and reduction in road width (subject to achieving a design speed of 15mph)
- Private drives/Parking Courts

The road structure and alignment shall be informal in nature following the existing natural contours where possible.

Key junctions shall be designed in accordance with Manual for Streets 2. Such junctions are to respond to the topography of the site and incorporate more formal shared surface squares, specimen street trees and on street parking.

All roads shall be designed to an adoptable construction standard.

Highway materials shall be a combination of tarmacadam, tegular block paving and concrete flags with colours that contrast with the dwelling materials.

Siting and Orientation

Unless otherwise agreed, no dwellings shall be sited above contour 63.5.

Dwellings shall be sited to address and front on to all new roads, green infrastructure routes and areas of POS including the relief road corridor.

The siting of dwellings fronting streets (where no frontage parking is proposed) shall be varied by up to two metres.

Street enclosure shall also be maintained on corners where possible.

Specific siting requirements are as follows

- Balancing pond – Fronting on to the balancing pond
- POS – Fronting on to the POS
- Hampton Park Rd – Front elevations overlooking the road (siting to tie in with existing properties on the north side of Hampton Park Road adjoining the site)
- Holywell Gutter Lane – Front elevations overlooking the lane (set back approx 5 metres (possibly with a private drive in front) and no dwellings within the root protection zone of the oak tree near this boundary)
- Martha Trust – Rear gardens backing on to the boundary
- Northern boundary – Dwellings sited 5 metres from the existing hedge up to contour 60.0 and sited 10 metres from the boundary above this contour
- North western boundary – Dwellings or gardens sited up to the boundary

Scale

Dwelling heights and roof lines shall be varied but no height differential between neighbouring dwellings shall exceed 2.5 metres

Higher and larger dwellings shall be sited in prominent, corner or gateway positions.

No part of the development shall exceed a density of 40 dwellings per hectare.

Boundary treatments

Private rear gardens shall be enclosed with a mixture of hedges, walls and fences at a minimum height of 1.8 metres.

Front gardens and prominent boundaries shall be enclosed with a mixture of walls, architectural railings and hedgerows.

Other boundaries shall be defined as follows:

- Hampton Park Rd – Retained hedgerow supplemented by new native hedgerow planting where hedgerow does not presently exist – maintained at a minimum height of 2 metres with occasional hedgerow trees such as field maple or damson.
- Holywell Gutter Lane – new native hedgerow cut more formally and maintained at a height of 1.5 metres with occasional hedgerow trees such as oak or ash (in place of existing Leylandii trees)
- Martha Trust - New native hedgerow
- Northern and north western boundaries – Maintain existing hedgerow at a height of 3 metres with additional dense native planting strip (no public access)
- POS - Decorative railings and/or hedge along road boundary
- Orchard – combination of native hedgerow and post and wire fence

Green infrastructure

All new green infrastructure shall be a minimum of 5 metres wide including a 3 metre wide hard surfaced shared footway/cycleway and a minimum of 2 metres of planting to comprise of a combination of wildflower seed mix and native trees.

The junior rugby pitches and residential development shall be connected by a green infrastructure link south of the retained woodland belt.

Two new green infrastructure links shall be provided through the development linking to both the rugby club and proposed POS. These shall be broadly from Hampton Park Road and Holywell Gutter Lane.

Public Open Space (POS)

The principal area of on site POS shall be designed around the existing levels and contours incorporating both natural timber (from an ethical source) and formal play equipment and features, interpretation and other signs, informal grass/wildflower areas, seating, standard fruit trees (e.g. pear or damson) planted in the hedgerow or in the informal grass/wildflower areas and away from the play equipment (no apple trees), legible footpath and cycle links (green infrastructure) to other parts of the development with clearly defined entrances. Opportunities for orchard planting on land north of the formal POS should also be explored.

Balancing Pond

This should be designed to be a minimum of two interconnected ponds with a minimum combined capacity of 4565 cubic metres (or other cubic volume as may agreed in writing with the Council in consultation with the Environment Agency)). The overflow mechanism shall comprise of either a direct connection to the existing surface water sewer in the locality (if available) or discharge to a suitable highway or land drain with capacity. If achievable, a further controlled discharge to serve the allotments shall also be provided.

The ponds shall be designed to include an area(s) of permanent water and creation of a suitable habitat for great crested newts. Gradients shall be no steeper than 1 in 4 and a vehicular maintenance access shall also be provided.

The biodiversity and amenity value of the balancing pond areas shall be enhanced through appropriate native and aquatic/marginal/wetland planting including retained/new fruit tree planting and installation of interpretation signs.

The balancing pond shall be risk assessed to ROSPA standards and any signage, personal rescue equipment etc determined to be necessary in the assessment will need to be provided and in place prior to adoption.

Landscaping

Front gardens – soft landscaping to be included wherever possible

Street trees to be provided where appropriate, with adequate tree pit details.

The strategy for street furniture shall be coordinated across the site.

All trees shall be of local provenance, from stock known to be of growth type appropriate to need, i.e. only stock from good standard trees should be used when planting new future standard trees. All ornamental or feature planting shall consider location, size, spread plus future long term management and safety issues.

A management plan shall be provide for the long term maintenance and management of green infrastructure and adopted landscaping/public open space.

Rugby Development

Parking Area

The parking area shall be designed to have capacity for around 250 cars and a minimum of 4 coaches and shall be terraced with the existing topography and broken up with native shrub and hedgerow planting on the south face of each terrace.

Covered parking for 40 bicycles shall be provided.

Pollution prevention measures shall be incorporated into the design.

Boundary Treatments

Any required enclosure of the rugby development including the new pitches shall be through the planting of a native hedge.

Where hedge planting is not appropriate, the pitches shall be enclosed by a post and rail or post and wire fence at a maximum height of 1.5 metres.

Green Infrastructure

All new green infrastructure shall be a minimum of 5 metres wide including a 3 metre wide, hard surfaced, illuminated shared footway/cycleway and a minimum of 2 metres of planting to comprise of a combination of wildflower seed mix and native trees.

A green infrastructure link shall be provided between the rugby development and residential development.

All pitches shall be interconnected by a series of paths and/or green infrastructure links.

Orientation, Scale, Design and Materials

The indoor training building and clubhouse shall be attached buildings and shall have the same roof form with the roof profile running east/west. Consideration shall also be given to a mono-pitch roof.

The club house shall be a split level construction, shall have an eaves and ridge height that is the same or lower than that of the indoor training building and shall be orientated to address the pitches to the north, car park to the west and principal access to the south.

Unless otherwise agreed, the slab of the indoor training building and clubhouse shall be constructed no higher than contour 55.5.

The club house and training building shall be externally finished with a mixture of brick, timber cladding (such as weatherboarding) and render with a grass or sedum roof. Opportunities for green walling shall also be considered.

All ancillary buildings shall be clad with timber.

The changes in levels to accommodate the pitches shall be naturally graded or reinforced with natural bank stabilisation systems such as bank nailing, bio mats, geo web or similar natural systems.