

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	5 JUNE 2024
TITLE OF REPORT:	240780 - PROPOSED REPLACEMENT CHANGING ROOMS AND ASSOCIATED FACILITIES. AT WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ For: Mr Saer per Mr Russell Pryce, Unit 5, Westwood Industrial Estate, Ewyas Harold, Hereford, Herefordshire HR2 0EL
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240780&search-term=wyeside
Reason Application submitted to Committee – Councillor/Staff interest	

Date Received: 20 March 2024

Ward: Greyfriars

Grid Ref: 350288,239475

Expiry Date: 3 June 2024

Local Member: Cllr Diana Toynbee

1. Site Description and Proposal

- 1.1 The site is accessed directly off Belvedere Lane so the south of Broomy Hill and is adjacent to the River Wye, a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSI). The site comprises of two full sized rugby pitches along with facilities comprising a bar/changing rooms and function room. To the east of the site sits the Great Western Way with the embankment between the walkway comprising of existing mature trees and vegetation screening the site from the public way. To the north is a relatively modern residential development of apartments which overlooks the application site, with a mature hedgerow forming the boundary. To the east is the boundary with the Sea Cadets site which is formed by hedgerow and fencing. To the south is the river bank and public footpath. Levels across the site are flat and it is located within Flood Zone 2 and 3. The site is also within the Central Conservation Area.
- 1.2 The proposal is for replacement changing rooms and associated facilities.

2. Policies

2.1 The Herefordshire Local Plan Core Strategy policies (CS)

SS1	-	Presumption in favour of sustainable development
SC1	-	Social and community facilities
OS1	-	Requirement for open space, sport and recreation facilities
OS2	-	Meeting open space, sport and recreation needs
MT1	-	Traffic Management, highway safety and promoting active travel
LD1	-	Landscape and townscape

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

- LD2 - Biodiversity and geodiversity
- LD3 - Green Infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable Design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

2.2 National Planning Policy Framework (NPPF)

- 2. Achieving sustainable development
- 3. Plan Making
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 10. Supporting high quality communities
- 11. Making Effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

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

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to be those relating to meeting housing needs, guiding rural housing provision, highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

3.1 202191/F – Proposed additional balcony areas to increase entrances into the building. East facing elevation moved forward to increase clubhouse floor area and remove area that is vandalised. Approved

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We recommend that the existing private drainage on site should be utilised to avoid any new direct connection to the public sewerage system.

Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Condition and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Internal Council Consultations

4.2 Area Engineer Team Leader

The Local Highways Authority have reviewed this application for the proposed replacement changing room and associated facilities at Hereford Rugby Club and has the following comments:

It does not believe that the proposal will lead to an intensification of the site, but instead an improvement of its facilities and therefore the existing access arrangements are appropriate. The site is served by an appropriate level of parking and the proposed amendments do not result in a loss of parking.

As such, the Local Highways Authority feel that the proposal has no highways implications and has no objections to the proposal.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website:

www.herefordshire.gov.uk/directory_record/1992/street_works_licence
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

4.3 **Principal Natural Environment Officer (Ecology)**

The site is within River Wye SAC catchment and this proposed development triggers the legal requirement for a Habitat Regulations Assessment process to be carried out by the LPA, the final HRA 'appropriate assessment' completed by the LPA must be formally approved by Natural England PRIOR to any future planning consent being granted.

This HRA process needs to be completed based on all current requirements and considerations and on information supplied in support of this specific application and that is sufficiently detailed to allow any relevant conditions to be secured.

The HRA process must be completed with legal and scientific certainty and using a precautionary approach.

From the start of August 2023, there have been changes in the conservation status of the River Wye SSSI - downgraded to "unfavourable declining" by Natural England; and these comments have been completed based on this recent change and updated SSSI Impact Risk Zone information available from Natural England (River Wye SAC – bespoke buffer – Any discharge of water or liquid waste including to mains sewer). The applicant must demonstrate with scientific and legal certainty that the proposed development will create no significant nutrient pathways into the River Wye that may make the current situation worse or hinder any recovery.

The development is within 50m of the River Wye SAC (and SSSI) and Natural England must be formally consulted on all applications prior to any grant of planning permission.

Notes in Respect of HRA

The proposed development is within 50m of the boundary of the River Wye SAC (SSSI). The works include demolition of an existing sports pavilion/changing rooms and the erection of upgraded replacement facilities – including foul and surface water management.

- The existing facilities discharge foul water to the local mains sewer network and the proposed replacement facilities will retain use of this existing connection.
- Mains sewer is considered as the best available option to ensure foul water management with minimal effect from nutrient pathways.
- At this location the mains sewer system is managed through the Welsh Water Waste Water Treatment Works at Hereford (Eign) that discharges in to the upper section of the 'Middle Wye'
- The Hereford WWTW has capacity to manage the additional flows created.
- The proposal is a 'like for like' replacement and no significant additional foul water flows are identified as a result of the proposed development.
- As previously agreed with Natural England any potential additional flows (nutrient pathways) can be considered as being accommodated within the residential foul water flows created through player and supporter's existing 'home' residential foul water flows – with the majority being already within the River Wye SAC catchment.

As no significant new or additional nutrient pathways are identified this effect can be considered as being 'screened out' from requiring any further detailed consideration.

- No significant changes in use of the sporting facilities are proposed and no change or increase in associated noise or light, or intensity of use is anticipated.
- Due to the proximity to the River Wye the demolition and construction processes have the potential to affect the Habitats and Species associated with the River Wye SAC. These effects can be ecological (eg directly on species) or through wider environmental effects such as noise, vibration, dust and general run-off of pollutant and contaminants in to local surface water flows that connect to the River Wye.
- A comprehensive Construction Environmental Management Plan can be secured by condition for implementation during all permitted works will provide mitigation and assurance that all such effects are fully considered and appropriate mitigation and working measures implemented.
- The CEMP will also ensure any potential effects on opportunistic local wildlife and protected species are considered and mitigated.

With a CEMP secured by condition no unmitigated effects on the River Wye SAC (SSSI) are identified from the proposed development

The HRA appropriate assessment completed by the LPA should be subject to formal consultation with Natural England PRIOR to any final grant of planning permission

Suggested condition

Ecological Protection and Construction Environmental Management Plan

No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

Informative: A helpful guide to all considerations within a CEMP can be found at https://www.designingbuildings.co.uk/wiki/Construction_environmental_management_plan

Subject to the HRA process and CEMP identified above there are no other ecology comments and no objection is raised.

4.4 **Environmental Health Service Manager (Noise / Nuisance)**

No objections from a noise and nuisance perspective

5. **Representations**

5.1 **Hereford City Council** – No response provided.

5.2 No representations have been received from any third parties.

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

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=240780&search-term=240780

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

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.
- 6.3 CS policy SC1 states that development proposals which protect, retain or enhance existing social and community infrastructure will be supported. Such proposals should be in or close to settlements and where possible be safely accessible by foot, cycle and public transport. The proposal is compliant in these respects. Also, proposals involving the provision or expansion of social and community facilities will be expected to provide publicly accessible toilets, which is specifically catered for within this extension scheme. Importantly, the proposal would not involve the loss of any part of the playing fields. There would also be no impact on the amenity of neighbouring residents by reason of the discrete, sheltered clubhouse location.

Design and visual amenity

- 6.4 The site is located within the Central Conservation Area and therefore the statutory test under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies. This is underpinned by the requirements of CS policy LD4 which seeks to protect, conserve and where possible enhance the character and appearance of heritage assets
- 6.5 The proposed extension will follow the mono pitch form of the building and will be clad in similar composite materials. The new facilities will comprise of four separate changing rooms each with toilet and shower, a medical and treatment/physio room, two separate referee changing rooms and the reconfiguration of the existing kitchen area to provide improved kitchen facilities.
- 6.6 The scale and design of the proposed extension is considered in the respect the character of the existing building and given its well established presence and its screened location, no harm to the Conservation Area or the wider landscape is identified.
- 6.7 The proposed site plan shows that the works are a suitable distance from any trees and no trees or hedgerows would need to be removed as a result of this proposal. Given the existing vegetation to boundaries, including mature trees, no additional native planting within the site is considered necessary. Overall there is no conflict with CS policies LD1, LD3, LD4 and SD1.

Flood risk and surface water drainage

- 6.8 CS policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on

water quantity to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Development will not result in the loss of open watercourse and culverts should be opened up where possible to improve drainage and flood flows.

- 6.9 CS policy SD4 states that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater. In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal.
- 6.10 The site is located within Flood Zone 2 & 3 and an appropriate flood risk assessment has been undertaken. Having regard to Environment Agency's Standing Advice and given flooding of the clubhouse in recent past the floor level of the extension will be set to the same level as the floor level of the clubhouse, which is around 1 metre above existing ground levels. The extension will be constructed on steel posts or pillars allowing flood water to pass under the extension the same as currently exists. The footprint of the foundations will be similar to the existing building and so the work is not considered to displace any flood waters. Consideration has also been given to flood resilience measures such as ensuring electrical fittings are sufficiently high and demountable flood defences on the doors are proposed.
- 6.11 It is not necessary to consult the EA on proposals for 'minor development' but the application has been considered in light of the standing advice issued. Overall, it would provide for a similar degree of flood protection as the existing clubhouse and is not considered to increase flood risk to the site.
- 6.12 Surface water from the existing roof discharges to soakaways around the building and the same system will be employed for the proposed extension. Welsh Water has advised that no water from the proposed extension should be allowed to drain to the public sewer, so a condition has been recommended accordingly.

Ecology

- 6.13 The proposed development is within 50m of the boundary of the River Wye SAC (SSSI) and this has triggered the need for a Habitat Regulations Screening Assessment. The works include demolition of an existing sports pavilion/changing rooms and the erection of upgraded replacement facilities. It is considered that the likely significant effects on the SAC can be mitigated through the submission of a Construction Environmental Management Plan (CEMP) and this is recommended by condition below. The Screening Assessment has been sent to Natural England and a response is awaited. The recommendation reflects this outstanding response which will form part of an update for the Planning Committee.

Other matters

- 6.14 Welsh Water has raised no objection in terms of the capacity to receive any additional foul water flows. No problems are envisaged with the treatment of discharges from this site and no 'significant effects' are likely to arise in relation to the integrity of the River Wye SAC. A condition is attached to ensure no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 6.15 The proposal will not significantly alter the amount of parking spaces on the site. As confirmed by the agent there are approximately 60 car parking spaces within the existing tarmaced area, with

an overspill grassed parking area to the west of the Great Western Way providing a further 50 parking spaces with the club also having use of the Cathedral school sport pitches car parking where a further 30 cars can park. It is therefore not considered that this proposal will cause adverse impact by way of parking. Belvedere Lane whilst of restricted width will not be adversely impacted with no material increase in vehicular activity arising from the proposed development of the site, which does benefit from excellent walking and cycling links.

Conclusion

- 6.16 Overall the proposal would contribute to the betterment and continued success of this important community facility. The proposal is not considered to cause any adverse impact on the local landscape or increase flood risk on the site or elsewhere and therefore approval is recommended subject to the conditions below.

RECOMMENDATION

Subject to Natural England raising no objection to the adoption of the Council's Habitat Regulations Screening Assessment, that planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

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

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

2. **Development in accordance with approved plans and materials**

The development hereby approved shall be carried out strictly in accordance with the approved plans (drawing nos. 407.P30, 407.P31, 407.P35, 407.P02) and the schedule of materials indicated thereon.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan – including but not limited to an ecological working method statement; and details of the person responsible for the implementation of the CEMP – has been supplied to the LPA for written approval. The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981.), National Planning Policy Framework (2021), NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1, LD2 and LD3 and the council's declared Climate Change & Ecological Emergency.

4. **No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.**

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “high status protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.**

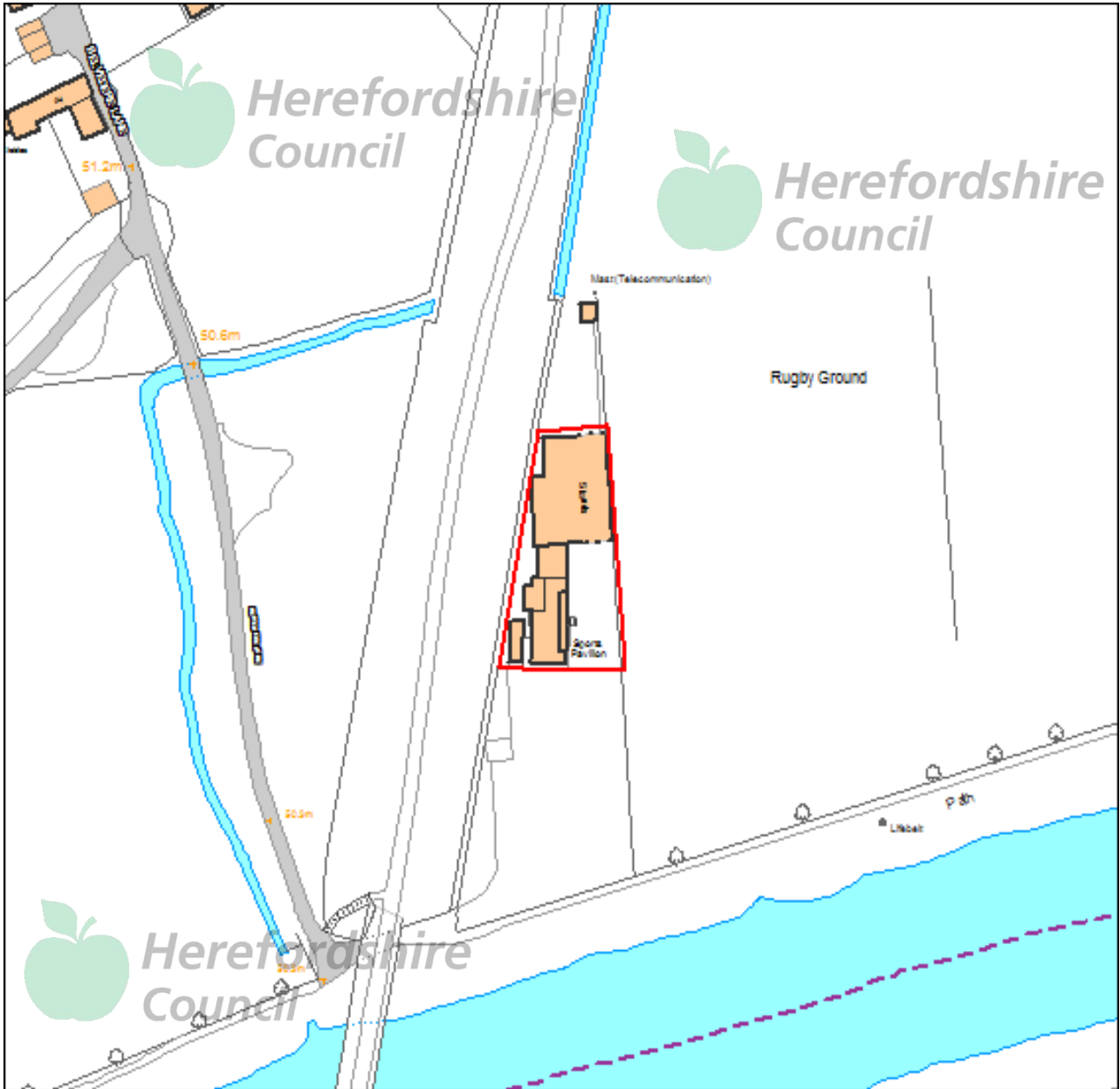
Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 240780

SITE ADDRESS : WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0LJ

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