

Agenda

Planning and regulatory committee

Date: Tuesday 18 December 2018

Time: 2.00 pm (or on conclusion of the Committee's meeting held in the morning, if later)

Place: Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Tim Brown, Democratic Services Officer on 01432 260239 or e-mail tbrown@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor PGH Cutter**
Vice-Chairperson **Councillor J Hardwick**

Councillor BA Baker
Councillor CR Butler
Councillor PJ Edwards
Councillor DW Greenow
Councillor KS Guthrie
Councillor EL Holton
Councillor TM James
Councillor MD Lloyd-Hayes
Councillor FM Norman
Councillor AJW Powers
Councillor NE Shaw
Councillor WC Skelton
Councillor SD Williams

Agenda

		Pages
1.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
2.	<p>NAMED SUBSTITUTES (IF ANY)</p> <p>To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
4.	<p>CHAIRPERSON'S ANNOUNCEMENTS</p> <p>To receive any announcements from the Chairperson.</p>	
5.	<p>181664 - THE TREES, ORCOP, HEREFORD.</p> <p>Application for approval of reserved matters following outline permission 161771 (site for proposed replacement of a fire destroyed dwelling plus the erection of 2 dwellings (total 3 dwellings)).</p>	11 - 28
6.	<p>181848 - LAND EAST OF CASTLE POOL COTTAGE, LITTLE BIRCH, HEREFORD</p> <p>Proposed development of three dwellings with garages and new access.</p>	29 - 42
7.	<p>182893 - SPORTS GROUND AND CLUB ROOM, OLD SCHOOL LANE, HEREFORD, HEREFORDSHIRE, HR1 1EX</p> <p>Construction of an external 3g artificial turf pitch (atp) with fencing, floodlighting, and a storage container.</p>	43 - 66
8.	<p>182950 - TED POWELL BUILDING, THE COUNTY GROUND, HEREFORD, HEREFORDSHIRE, HR4 9NA</p> <p>Construction of an external 3G artificial turf pitch with fencing and a storage container.</p>	67 - 96
9.	<p>DATE OF NEXT MEETING</p> <p>Date of next site inspection – 22 January 2019</p> <p>Date of next meeting – 23 January 2019</p>	

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YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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- The Shire Hall is a few minutes walking distance from both bus stations located in the town centre of Hereford.

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Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

The Chairperson or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Planning and Regulatory Committee

The Planning and Regulatory Committee consists of 15 Councillors. The membership reflects the balance of political groups on the council.

Councillor PGH Cutter (Chairperson)	Conservative
Councillor J Hardwick (Vice-Chairperson)	Herefordshire Independents
Councillor BA Baker	Conservative
Councillor CR Butler	Conservative
Councillor PJ Edwards	Herefordshire Independents
Councillor DW Greenow	Conservative
Councillor KS Guthrie	Conservative
Councillor EL Holton	Herefordshire Independents
Councillor TM James	Liberal Democrat
Councillor MD Lloyd-Hayes	It's Our County
Councillor FM Norman	Green
Councillor AJW Powers	It's Our County
Councillor NE Shaw	Conservative
Councillor WC Skelton	Conservative
Councillor SD Williams	Conservative

The Committee determines applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or
- (g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

The regulatory functions of the authority as a licensing authority are undertaken by the Committee's licensing sub-committee.

Who attends planning and regulatory committee meetings?

Coloured nameplates are used which indicate the role of those attending the committee:

Pale pink	Members of the committee, including the chairperson and vice chairperson.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
White	Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application. In attendance - Other councillors may also attend as observers but are only entitled to speak at the discretion of the chairman.

How an application is considered by the Committee

The Chairperson will announce the agenda item/application to be considered, invite public speakers to move from the public gallery and take their seats in the council chamber, and explain any particular procedural matters relevant to the application.

The case officer will then give a presentation on the report.

The public speakers will then be invited to speak in turn (Parish Council, objector, supporter). Having spoken they will be asked to return to the public gallery. (see further information on public speaking below.)

The local ward member will be invited to start the debate (see further information on the role of the local ward member below.)

The Committee will then debate the matter.

Officers are invited to comment if they wish and respond to any outstanding questions.

The local ward member is then invited to close the debate.

The Committee then votes on whatever recommendations are proposed.

Public Speaking

The public will be permitted to speak at meetings of the Committee when the following criteria are met:

- a) the application on which they wish to speak is for decision at the planning and regulatory committee
- b) the person wishing to speak has already submitted written representations within the time allowed for comment
- c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting

- e) at the meeting a maximum of three minutes (at the chairman's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- f) speakers may not distribute any written or other material of any kind at the meeting
- g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- h) on completion of public speaking, councillors will proceed to determine the application
- i) the chairman will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Role of the local ward member

The ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct (Part 5 section 6).

In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item.

In the case of the ward member being a member of the Committee they move to the place allocated for the local ward member to sit, do not vote on that item, and act as the ward member as set out above.

To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the Committee concerned.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 December 2018
TITLE OF REPORT:	<p>181664 - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE PERMISSION 161771 (SITE FOR PROPOSED REPLACEMENT OF A FIRE DESTROYED DWELLING PLUS THE ERECTION OF 2 DWELLINGS (TOTAL 3 DWELLINGS)) AT THE TREES, ORCOP, HEREFORD.</p> <p>For: Mr Williams per Mr Rodney Purse, 142 Tuffley Avenue, Gloucester, GL1 5NS</p>
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=181664&search=181664
Reason Application submitted to Committee - Redirection	

Date Received: 2 May 2018

Ward: Birch

Grid Ref: 348027,228009

Expiry Date: 27 June 2018

Local Member: Councillor DG Harlow

1. Site Description and Proposal

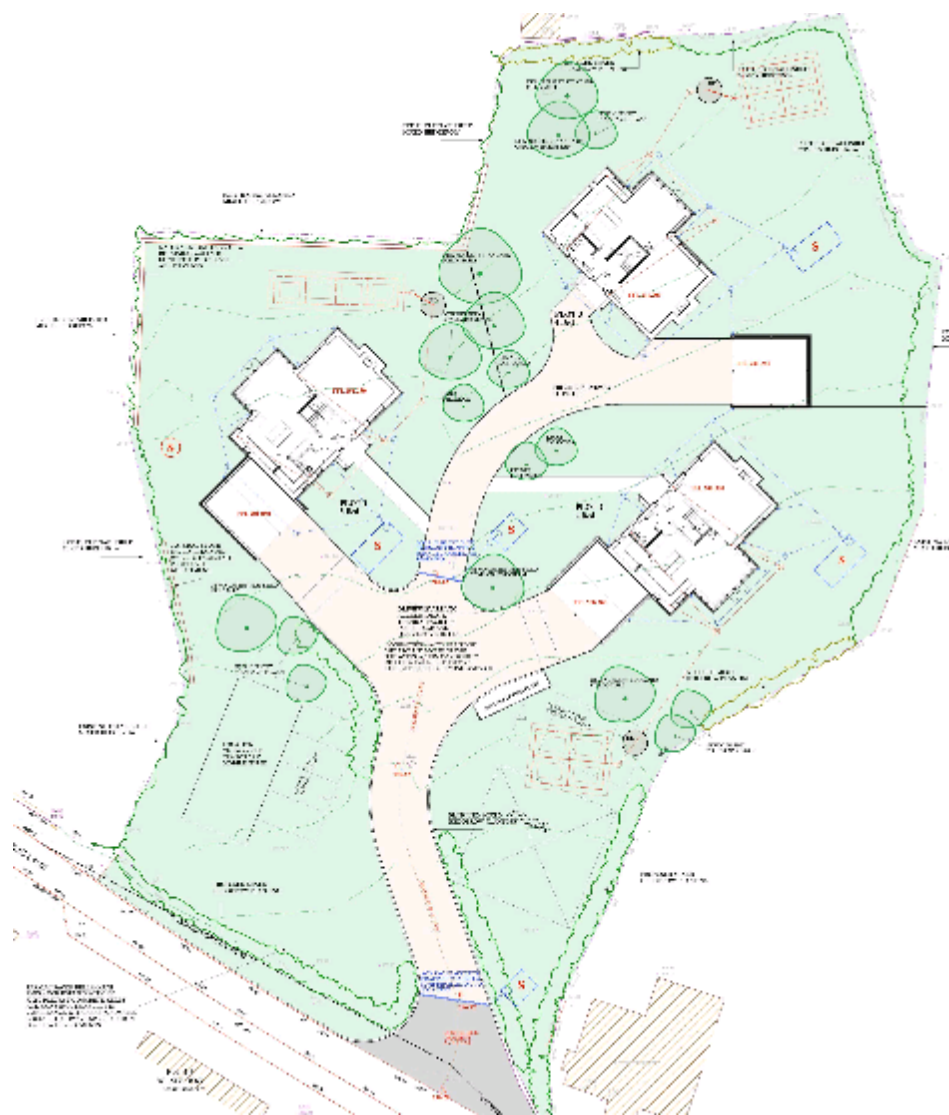
- 1.1 The application site is located centrally within Orcop Hill and accessed to the north east of the road. There was a bungalow on the site previously which was irrevocably fire damaged a few years ago. The remains of this building have now been removed from site.
- 1.2 The site is bounded by thick hedging on all sides and sits higher than the road, with the driveway inclining into the site.
- 1.3 Outline planning permission was granted on the site in 2016 for the replacement of the fire damaged dwelling as well as an additional two properties (three dwellings in total). All matters were reserved.
- 1.4 A reserved matters application was submitted to the Council in 2017 and refused for the following reasons:
 - 1) The proposal is contrary to Policies SD1 (bullet points 1 and 2 in particular) and LD1 of Herefordshire Local Plan: Core Strategy by reason of the cramped interrelationship between the proposed dwellings and their ancillary outbuildings and the incompatible building design, scale and layout.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

2) The proposal is contrary to Policy SD1 of the Herefordshire Local Plan: Core Strategy (bullet point 3) in that residential amenity for existing (Ivy Cottage) and future residents would not be safeguarded due to the separation distances involved and unacceptable overlooking of the frontage approach into Ivy Cottage.

1.5 An appeal was lodged and dismissed by the Planning Inspectorate on grounds of the harm to the character and appearance of the area. The impacts on the amenity of neighbouring dwellings being found to be adequate.

1.6 The outline planning permission remains extant and this application once again seeks approval of the reserved matters for the three dwellings. The three dwellings will be located facing towards the centre of the site with the existing access being utilised. The general layout arrangement can be seen on the drawing below.



2. Policies

2.1 Herefordshire Local Plan – Core Strategy:

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

The Herefordshire Local Plan 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.2 National Planning Policy Framework (NPPF):

Chapter 2	–	Achieving sustainable development
Chapter 5	–	Delivering a sufficient supply of homes
Chapter 6	–	Building a strong, competitive economy
Chapter 9	–	Promoting sustainable transport
Chapter 12	–	Achieving well-designed places
Chapter 14	–	Meeting the challenge of climate change, flooding and coastal changes
Chapter 15	–	Conserving and enhancing the natural environment

2.3 Orcop Neighbourhood Development Plan (NDP)

Orcop Neighbourhood Development Plan is at the drafting stage and therefore afforded no weight at the present time.

3. Planning History

3.1 180277/F - Proposed erection of a pair of lane side dwellings with detached garages and vehicular access. Withdrawn

172940/RM – Application for approval of reserved matters following outline permission 161771/O. Refused and dismissed on appeal due to the harm that would be caused to the character and appearance of the area.

172401/XA2 - Application for approval of details reserved by conditions 8 11 & 12 attached to planning permission 161771 (details of site operative parking and wheel cleaning apparatus). Approved 8 August 2017

161771/O – Site for proposed replacement of fire destroyed dwelling plus erection of 2 dwellings (3 total). Approved 16 August 2016

4. Consultation Summary

Statutory Consultations

4.1 Natural England –no objection

No objection – Subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant /septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement.

Following amended plans a re-consultation was sent with Natural England commenting on 29 August 2018:

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

4.2 Welsh Water – no objection

We have reviewed the information submitted as part of this application with particular focus on drawing number 17.800.100 which shows foul water draining to private treatment and surface water to a nearby watercourse.

As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

Following amended plans a re-consultation was sent with Welsh Water commenting the same comments on 30 August 2018:

Internal Council Consultations

4.3 Public Right of Way Officer – qualified comment

PROW do not object to the development itself, providing surface water is not allowed to drain onto public footpath OC18. We would like assurance of this.

4.4 Transportation Manager - No objection

4.5 Conservation Manager (Ecology) – initially objected

Based on latest Natural England Guidance and zoning the site falls within the River Wye SSSI (SAC) Impact Risk Zone "Any discharge of water or liquids including to mains sewer" based on this the LPA has a Duty of Care to appropriately assess the application against 'Likely Significant Effects' (Habitat Regulations, NERC Act, NPPF, Core Strategy LD2 and SD4). The identified LSE is from foul water from the new dwellings. The applicant has indicated that a PTP will be utilised with a direct outfall into an adjacent watercourse (this must also have a normally regular flow throughout the year under 'average' weather conditions to comply with basic General Binding Rules). As standard PTP systems do not remove phosphates in their processing this is passed straight through in to the outfall and it is this that has the potential to

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

cause significant harm locally and cumulatively downstream to the River Wye SSSI/SAC. Based on this NO direct outfall from the site without further phosphate stripping systems being in place would be acceptable given further considerations below, and this application should not be determined until such time as this matter has been satisfactorily approved.

In line with best practice and Policy SD4/LD2 the applicant should clearly demonstrate why a soakaway discharge field, including a 'mound' system cannot be implemented – this should be evidenced by a professional drainage report. If a drainage field can be shown to not be possible then the next alternative is to install a PTP system with a PIA certified final outfall mean Phosphate (P) level of under 1mg/litre - this is equivalent to current best practice and available technology and is the level equivalent to best achievable outfall from a mains sewerage treatment plant. If this is the final solution proposed then confirmation of the PTP system and phosphate stripping system should be supplied along with a relevant PIA certificate showing the mean P level at outfall and a draft 5 year maintenance plan that the applicant/occupier would be expected to implement through Condition.

There are no ecology issues that are not already managed under original approved outline application.

Following amended plans a re-consultation was sent with the Council's Ecologist commenting on 26 September 2018:

With plans now showing final outfall from individual PTP to soakaways I am happy to lift my objection as this likely significant adverse effect on the River Wye SAC can be fully mitigated. This foul water and surface water management and hence relevant mitigation should be secured through relevant conditions should planning consent be granted.

A Habitat Regulations Assessment- Appropriate Assessment (HRA AA) was sent to Natural England on 5 December 2018 with a recommended condition in light of the comments received from Natural England.

4.6 Council's Land Drainage Consultant – no objection

In principle, we would not object to the proposals. Please review our comments below – further information is needed as part of suitably worded planning conditions.

Surface Water

Percolation testing has been undertaken in accordance with BS6297 which has produced a Vp value of 20. The Applicant has used the Building Regulations formula to establish an infiltration rate of 0.18m/hr (5x10⁻⁵m/s).

We appreciate the use of an Aco drain to capture runoff from the driveway.

- There is no mention of the use of a safety factor (a safety factor of 2 should be applied).
- The Applicant has not confirmed the responsibility and maintenance arrangements for the surface water drainage systems.

Foul Water

- The drainage field serving the BioDisc for Plot 1 appears to be going uphill. No levels have been stated on the topographic lines or on the drainage system – this must be provided. The foul system must be gravity fed.
- The ownership of the land on which the drainage fields are located must be with the respective home owner.

Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.

Following additional drainage details (with additional testing being undertaken in adverse conditions) the Council's Land Drainage Consultant commented on 3 December 2018:

The calculations provided (in the attached email) are acceptable. However the surface water soakaway serving Plot 1 is located partly beneath a potentially shared driveway. The Applicant should confirm that the land on which this soakaway is located is solely owned by the respective homeowner.

We note the 2 Aco drains taking runoff from the road. These drains discharge to soakaways. There has been no information in regards to the ownership and maintenance arrangements of these drains and soakaways. In particular the northern Aco drain which is taking runoff from the private driveway of plot 3. The soakaway serving this Aco drain is located beneath a shared access road.

We previously requested that the Applicant demonstrate that the foul water will be drained via gravity (demonstrated by a drawing with topographic levels). This has not been provided.

We do not object to this development. The above information could be provided as part of suitably worded planning conditions or prior to granting planning permission to remove the need for conditions.

4.7 Council's Waste Technical Officer – qualified comment

The area is accessed currently by a 26 tonne refuse collection vehicle (RCV). In order for the RCV to travel the road it would need to meet the specification for adoptable roads. A risk assessment would also need to be passed. Alternatively, the bin collection point should be located within 25 metres of where the RCV can safely access.

5. Representations

5.1 Orcop Parish Council – object

We would like to make comment in regard to:

Proposed dwellings- The Parish Council reiterate again that they would prefer to see bungalows at this location (this request was made when the outline application was responded to by The Parish Council) .The proposed dwellings would have an adverse, detrimental impact upon the character of local area.

Drainage- The Parish Council states that as the owners of Copy Well (village green) NO discharge of storm or treated effluent must be allowed to run into Copy Well .The spring at copy well runs for the majority of the 365 days of the year, and to allow any discharge of water where storm or treated effluent would have an environmental impact on copy well. We request notification that NO discharge of water whether storm or treated effluent will be allowed into copy well.

Footpath ; 0C18 We concur with the PROW officers revised comments that surface water is not allowed to drain onto the public footpath 0C18 of which the PROW officer has asked for assurance of this.

5.2 **To date a total of 40 representations have been received to the proposal from 15 households. The contents of these are summarised below:**

Drainage

- Applicant intends to discharge surface water onto the footpath (OC18). *This is no longer the proposed arrangement*
- The collective surface water from the ACO channel, along the bell-mouth entrance shows discharge to the curtilage of Copywell Cottage. Unsure if a third party agreement for this
- No indication of weather paving or gravelled areas will be used for patios and pathways etc. This will increase area of hard landscaping
- While Orcop Hill is not subject to river flooding it does suffer from flash flooding.
- Where would wheel washing etc drain into and later such things as residents washing cars
- Insufficient water percolation testing to design the soakaways
- No details given for soil structure or water table
- Certain proposed landscaping tree roots will interfere with drains in future
- Arguably most soakaways on the plan contravene the 'General Binding Rules'. Site is not large enough to satisfy these conditions. The outline is unsafe
- Planning's drainage engineers require surface water soakaway to be designed for a 100 year store rainfall plus a safety factor of 2 not a 10 year storm with no safety favour as in this case (stated in Balfour Beatty's report from Newcastle Farm application 173885)
- The percolation test as described in the document 'Soakaway/percolation test details' does not conform to the requirements of Building Regulation Part H2
- The site falls at an average gradient of 1 in 10 from north to south. The concerns relating to drainage do not relate to the exceptionally dry conditioned that prevailed when the tests were carried out but to periods following heavy rainfall when the water table is known to be very close to the surface
- The soakaway facilities will not work in high water table conditions and runoff will instead flow down gradient with inevitable pollution impacts on Wilkes Row and properties further downslope

Design

- Doubtful there is a requirement for large urban-style high rise 3 & 4 bedroom residences
- Proposed development is an opportunity to satisfy the local demand for single storey properties. Would follow the built context of existing low rise dwellings on the high side of Wilkes Row and be more in keeping with the build form located on the west to northwest of the site
- Land is elevated and the sizes of the houses would loom over existing properties. More appropriate for a city suburb. Cul-de-sac is not in keeping
- Although dwellings have been reduced and some green landscaping there is still an urban appearance
- Still massing between plots 2 and 3
- More sustainable would be low occupancy 2 or 3 bedroom bungalows noting that the previous building was a bungalow
- The sight lines and light for dwellings along Wilkes Row would be impacted because of the height of the homes
- Plot 3 was originally 14m from Ivy Cottage and considered too close by the previous planning officer – now estimated at 11m. Proximity of plot 1 to Holmland is also estimated at 11m. Policy SD1 should safeguard amenity of existing and proposed residents
- Nothing to stop plot 1 (a 3 bed) into a four bed due to similar footprint. *This has been reduced*

Access

- Revised road is very steep and hazardous in winter. Original proposed access is more practical and should be retained. Access would affect amenity of existing residents living opposite as vehicles exit during night time hours. Would have implications for existing dwellings who have to reverse onto the road. *The access has now reverted back to the existing*
- Road is very narrow and quite busy particularly at early mornings and evenings
- There is a need for yellow lines on Wilkes Row Lane junction with Lyston Lane and in front of and opposite the school bus shelter to improve road safety
- Originally proposed that off road parking for Wilkes Road would be available. This seems to have disappeared
- Relocation of access is much better but hedgerow required along full length of the drive to shield car headlights and protect amenity of Wilkes Row Cottages

Other matters

- Increase of light pollution
- What guarantee is there that the property owners will replace any failed planting?
- Aspects of sustainable design should require electric car charging points and secure cycle storage
- The developer has again included a temporary mobile home and vehicle cleaning area but not confirmed exactly who will own this land, maintain it and what it will be used for
- Issue of the three houses becoming five (following withdrawn application 180277)
- Smell from two existing treatment tanks is already hard to escape to add another would be ludicrous
- Muntjac Deer inhabit the area and was not identified in the Ecologist's report. Habitat has already been destroyed by the developer in clearing the site
- With regard to conditions on the outline permission, developer has cleared/cut down all trees and shrubs during nesting season and burned in situ with no ecological supervision
- Absence of wheel cleaning and inadequate site parking has meant considerable mud on road. Is the Planning Department capable of monitoring/controlling the situation?
- Has Japanese knotweed been entirely eradicated from the site?
- Proposed hedge along north boundary of the site but there isn't one there at present due to septic tank immediately adjacent to that boundary (on the neighbours side)
- 4 proposed trees between Ivy Cottage and most northern dwelling will definitely threaten the septic tank
- Where are oil tanks to be located?
- Given governments intent to ban new diesel and petrol cars from 2040 should there not be at least 2 car points per dwelling
- Application form states meeting had been held with planning department and appears to show commitment to give approval before proper consultation with public and various agencies
- Large garden space below plot 1 should be protected from future development to avoid overcrowding

5.2 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=181664&search=181664

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

Procedural background

- 6.1 As stated within the site description and proposal, a previous reserved matters was dismissed on appeal on the site (LPA ref: 172940). The proposal was dismissed due to the impact on the character and appearance of the area. For ease, the relevant part of the Inspector's decision is found below with the block plan of the dismissed scheme underneath:

The site is located centrally within a cluster of development in a rural setting. The other houses nearby are mostly detached and display a wide variety of forms, sizes, ages, and positions on their plots. However, overall, a distinctive verdant and relaxed character prevails due to the proximity of open fields, a number of large gardens, significant spaces between some dwellings and extensive vegetation throughout. The character of the area is also informed by the topography, which slopes down from north to south, resulting in the appeal site being considerably higher than the road it faces.

The three proposed dwellings would be large, detached buildings similar in appearance to each other. Though they would be 1½ storey, they would be taller than many of the other nearby detached houses including the two-storey houses at Copywell Cottage and Ivy Cottage as illustrated by the site section drawing. Additionally, they would be substantially wider than most of the other surrounding properties. Consequently they would have a greater bulk and scale than most of their neighbours and, in combination with their elevated position above the road, would appear prominently in the street scene. Indeed, in the context of the modest scale of the adjacent houses to either side, at Homelands and Copywell Cottage, they would stand out as incongruously large dwellings.

Furthermore, the proposal includes three detached double garages. When added to the houses, the result would be a vast swathe of development across the width of the site with the only meaningful gap being that between the garage at the top of the site and the dwelling on the western half of the site. Indeed even this gap would be interrupted by a 1.8 metre high close boarded fence. Also, the gap between the two houses in the east of the site would not be discernible from the road. Due to the spread of built form, and the significant scale of the houses, the development would appear cramped.

Moreover, the large area of hardstanding in the centre of the site would add to the impression of a distinctly urban development which would contrast with the low-key character of its context. The use of stone, render and slate in the materials of construction, which would be in keeping with the surrounding houses, would not mitigate for this contrast.

There are examples of houses with large garages in their curtilages nearby, but it is the cumulative effect of three large dwellings and three double garages which would lead to a cramped, urban appearance.

I note the reference to a planning permission for a new house on the adjacent site at Homelands, but as this has not yet been built, I can give it limited weight in terms of its influence on the character and appearance of the area.

In summary, the proposal's contrast with the character and appearance of the area would be to its detriment. The development would therefore fail to accord with Policies LD1 and SD1 of the Herefordshire Local Plan Core Strategy which aim to ensure development takes account of the character of the local context in terms of its design and scale.

Principle of development

6.2 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.”

6.3 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.

6.4 Despite the relatively recent adoption of the CS, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.

6.5 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absent a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.

6.6 The principle of development on this land is established via the outline planning permission and the RM submission is submitted in accordance with the relevant conditions. In this instance the outline application reserved all matters so this application is for access, appearance, scale, layout and landscaping.

6.7 In accordance with the presumption in favour of sustainable development, as expressed in the NPPF and CS, approval should be given unless the adverse impacts significantly and demonstrably outweigh the benefits and my assessment focusses on each Reserved Matter in turn

Access

6.8 Policy MT1 of the CS and NPPF guidance require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where ‘the residual cumulative impacts of development are severe.’(NPPF para. 109).

6.9 During the application process the access has been amended from centrally located within the site to utilising the existing access which lies in the south corner of the plot and gradually inclines into the site. Utilisation of the existing access avoids unnecessary engineering works and, with a new mixed hedgerow located behind the visibility splay, the character of the

streetscene will be retained given light of the minor amendments required to facilitate the use of the existing.

- 6.10 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the CS recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change.
- 6.11 The nearest amenity to the site is the Fountain Inn Public House to the south. While there are no public footpaths along the road to access this, there is a lack of paths along the lanes and street lamps within the settlement as a whole and therefore not unusual.
- 6.12 The comments received from the Council's Transportation Manager raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the Core Strategy.

Appearance

- 6.13 A number of objections received comment on the design of the proposal and your officers are mindful of the previously dismissed appeal on the site in light of the harmful impact the previous reserved matters scheme was found to have on the character and appearance of the area.
- 6.14 The three dwellings will face towards the centre of the site and all be one and half storey. Plots 2 and 3 will both be four bedroom properties with plot 1 being three bedrooms. They will be constructed from rendered elevations with elements of timber cladding and slate roofs. Each dwelling will benefit from a single storey double car port.
- 6.15 While the NPPF confirms that good design is indivisible from sustainable development, it goes on to acknowledge that Local Planning Authorities should not impose architectural styles. Having regard to the local context, officers are of the opinion that the house-types proposed, whilst not innovative or exemplar, are not uncharacteristic of the area. To this extent I consider that the approach to appearance is acceptable and in accordance with CS policies LD1 and SD1.

Scale

- 6.16 Since the dismissed appeal and noting the concerns of the Inspector in relation to the scale and massing of the proposed dwellings, the scheme submitted has been reduced.
- 6.17 Under the current application, all three dwellings will be slightly different from one another with plots 1 and 2 benefitting from attached car ports and plot 3 being detached. The external elevational treatments will also vary between the dwellings. While the scale of a scheme should be seen in context of the surrounding development, regard is had for the specific comments of the previous Inspector. With this in mind, below are the approximate average measurements of the dwellings now proposed alongside those of the dismissed scheme:

	Proposed scheme	Dismissed appeal scheme
Ridge Height	7.8m	8.4m
Eaves Height	4.1m	4m
Width of main part of dwelling	7.4m	8.6m
Length of main part of dwelling	12.3m	15.2m

- 6.18 As can be seen the scale of the dwellings has been reduced. The height of the buildings is also now lower than Ivy Cottage, the neighbouring dwelling to the rear of the site and the relationship specifically commented on previously, as can be seen by the section drawing below with Ivy Cottage on the left-hand side:



- 6.19 Noting the comments of the Inspector on the previous scheme and the amendments that have now been made, your officers are content that the scale of development in terms of the proportions of the dwellings themselves is acceptable in accordance with CS policies LD1 and SD1 in particular.

Layout

- 6.20 Moving onto the layout, as stated previously, the three dwellings will face towards the centre of the site creating adequate private amenity spaces to the rear of each. The dwellings under this proposal are staggered across the site and the inclusion of simple car ports rather than two storey detached garages also provides visual breaks.
- 6.21 When viewing from the public viewpoint of the road, or the footpath running to the east of the site, the development is found to be adequately broken up so that the 'swathe of development' the Inspector referred to will be avoided. The inclusion of vegetation between each plot will also aid this and soften the built form.
- 6.22 The previous layout included a large hardstanding area in the centre of the site to provide turning areas but resulted in an over engineered development that was urban in character and therefore jarred with the context of the site. This element has been reduced and combined with the changes to the siting and scale of the dwellings, is found to result in a scheme that is not out of keeping with its locality.
- 6.23 With regard to the impact of the proposed scheme on the amenity of neighbouring dwellings, due to the reorientation of the dwellings none of them will be sited directly opposite neighbouring dwellings.
- 6.24 The relationship between plot 3 to the rear of the site and Ivy Cottage to the north is now staggered so that the nearest elevation facing towards Ivy Cottage will consist of one window at ground floor serving the kitchen. There are windows proposed to a dining room but this is set back from the end elevation on a small projecting gable. Given the rooms these will serve and being at ground floor, issues of overlooking as a result are not anticipated.
- 6.25 The main part of the dwelling on plot 3 is approximately 11m from the boundary. While this is slightly reduced from the appeal scheme, given the change in the siting and it being now offset from Ivy Cottage their amenity is found to be preserved.
- 6.26 Moving onto the amenity of the properties along Wilkes Row, with these lying approximately 45m from the proposed plots 1 and 2 and the utilisation of the existing access with a hedge proposed along the boundary with road, overlooking issues to a detrimental level that would justify refusal of the application are unlikely to be experienced.

- 6.27 In relation to issues of overshadowing, given the siting of the dwellings on the site and the distance from neighbouring properties, these are not likely
- 6.28 In light of the amendments that have been made since the dismissed reserved matters application, the scheme is now found to respect the character of the wider settlement as well as ensure residential amenity of both existing and future occupants is protected. As such, the application is found to accord with policy SD1 of the CS.

Landscaping

- 6.29 The block plan that accompanies the proposal includes a landscaping scheme indicating mixed hedgerow planting along the boundary of the site with the road and filling in gaps on the other site boundaries. A retaining wall will be installed along the rear boundary of the site to allow for plot level adjustments. Given the nature of this work, it is found reasonable to condition the details of this to ensure the wall is of an appropriate height and construction for this location.
- 6.30 A full landscaping scheme is indicated on the original block plan but omitted from the revised one, which was submitted to overcome drainage concerns. Given the lack of boundary treatments between the plots and the additional details required in relation to the retaining wall, it is found reasonable to condition additional details in this regard and a timescale for its implementation.
- 6.31 In relation to the comments regarding the planting of a hedge along the driveway, this is not found to be in keeping with the street scene and would have the potential to create rather a grand entrance to the development – something not found in this locality. The utilisation of the existing access to the site also helps avoid engineering works that would require potentially excessive landscaping mitigation. Given the amendments to the driveway, returning back to the existing access, it is also not necessary further protect the amenity of neighbouring occupants along Wilkes Row.
- 6.32 Subject to the recommended conditions, it is considered that the proposal is acceptable in landscape terms and accords with Policy LD1 of the CS.

Other matters

Drainage

- 6.33 While not conditioned to be submitted on the outline planning permission, it was suggested that drainage details accompany the re-submitted reserved matters given the local issues in this regard. There is no mains drainage within the locality and there has been evidence of local flooding. The applicant has agreed to provide further detailed information in recognition of the local concerns.
- 6.34 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, avoid an adverse impact on water quality, protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation and will be achieved by many factors including developments incorporating appropriate sustainable drainage systems to manage surface water. For waste water, policy SD4 states that in the first instance developments should seek to connect to the existing mains wastewater infrastructure. Where evidence is provided that this option is not practical alternative arrangements should be considered in the following order; package treatment works (discharging to watercourse or soakaway) or septic tank (discharging to soakaway).

- 6.35 The scheme initially proposed for the disposal of foul water included the utilisation of individual package treatment plants with the outfall of both these, and the surface water being into a watercourse to the east of the site. However, upon inspections and following representations being received from local residents in relation to this, this was found to be a public footpath with no constant flow of water and therefore an unacceptable arrangement for the outfall.
- 6.36 Following percolation tests on the site, the outfall from individual package treatment plants are now proposed to utilise drainage fields. Storm water soakaways are proposed for the disposal of surface water with drainage channels being included across the driveway directing the water run off into those soakaways.
- 6.37 Additional percolation tests were carried out after heavy rainfall to ensure that the initial tests were a true representation of the infiltration rates.
- 6.38 The Council's Drainage Consultant has viewed the initial tests and the further ones alongside the proposed methods of drainage and revised site layout. They do not object to the proposals, which indicate that the proposed drainage methods are acceptable for the site, but recommend conditions to be attached to any approval in relation to the ownership of the soakaways and a topographical drawing indicating that the foul water drainage will be drained via gravity. It is reiterated that there was no condition on the outline permission in relation to the drainage methods and that these details have been submitted given the known local issues.

Ecology

- 6.39 The outline permission was accompanied by an ecological inspection. Conditions were attached to that permission stating that the conclusions and mitigation therein should be followed. Given the granting of the outline permission in 2016, the findings are still relevant and therefore the ecological impacts have been covered by that permission. With this in mind, the proposal is compliant with CS policy LD2, endorsed by the "no objection" from the Council's Ecologist. There is a formal requirement to await the final confirmation from Natural England in relation to the Habitat Regulations Assessment carried out by the Council's Ecologist and this is reflected in the recommendation below.
- 6.40 Notwithstanding the foregoing paragraph, comments regarding the disposal of Japanese knotweed on the site have been received. While the ecology survey that accompanied the outline application did cover its presence, it is not something that is considered under a planning application. Rather, it is something that the owner/developer should be mindful of and should deal with appropriately, outside of any planning permission.

Further planning applications

- 6.41 There was a subsequent planning application for two dwellings sited at the front of the site, submitted while the appeal decision for the previous reserved matters was being awaited. This application was withdrawn prior to any discussions with officers. However, the current reserved matters is only for three dwellings following the outline permission. This application cannot be assessed on what may come forward in the future and should be considered on its own merits. A condition requiring no further applications cannot lawfully be applied.

Summary and conclusions

- 6.42 The scheme provides the requisite detail in respect of the matters reserved for future consideration by the outline approval. The scale of the three dwellings has been reduced following the dismissed appeal and now represents an in keeping scheme that respects both the character of the area and the amenity of neighbouring dwellings.

- 6.43 The appearance of the development is acceptable. The submission includes details of materials which is considered to be acceptable, subject to a condition to require the precise details to be agreed. However, the principal intention to use render and slate finishes is reflective of the surrounding area. The layout has been amended and now provides adequate visual breaks to ensure that the site does not read as an urban development out of keeping with a rural setting.
- 6.44 Your officers are satisfied that the application provides the requisite level of detail required for determination and following the submission of additional drainage details, the arrangements are found to be acceptable and appropriate.
- 6.45 There are no other material planning considerations of such weight that would justify the refusal of planning permission. The application is therefore recommended for approval on the basis that it complies with the relevant provisions of the adopted development plan.

RECOMMENDATION

That subject to receipt of confirmation that Natural England do not object to the Habitat Regulations Appropriate Assessment undertaken by Herefordshire Council, officers named in the Scheme of Delegation to Officers are authorised to grant Reserved Matters Approval, subject to the conditions below and any other further conditions considered necessary by officers named in the scheme of delegation to officers.

- 1. C07 Development in accordance with approved plans and materials**
- 2 C13 Samples of external materials**
- 3 C96 Landscaping scheme (including retaining wall and boundary treatments between plots)**
- 4 C97 Landscaping implementation**
- 5. CAB Visibility splays**
- 6. CAE Vehicular access construction**
- 7 CAH Driveway gradient**
- 8. CAL Access, turning and parking area**
- 9. CB2 Cycle storage**
- 10. Notwithstanding the additional details required by condition 11 below, the drainage arrangements shall include the use of individual private treatment plants for foul water with drainage fields and surface water using storm water soakaways unless otherwise approved in writing by the local planning authority.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

11. Apart from site clearance and groundworks, the development shall not commence until the additional details in relation to the proposed foul and surface water drainage arrangements are submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of any of the buildings hereby permitted. The information shall include the following:

- The sole ownership of the land of the surface water soakaway for plot 1
- The ownership and maintenance arrangements of the two ACO drains along the driveway
- A topographical drawing to indicate the use of a gravity fed foul water drainage system

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

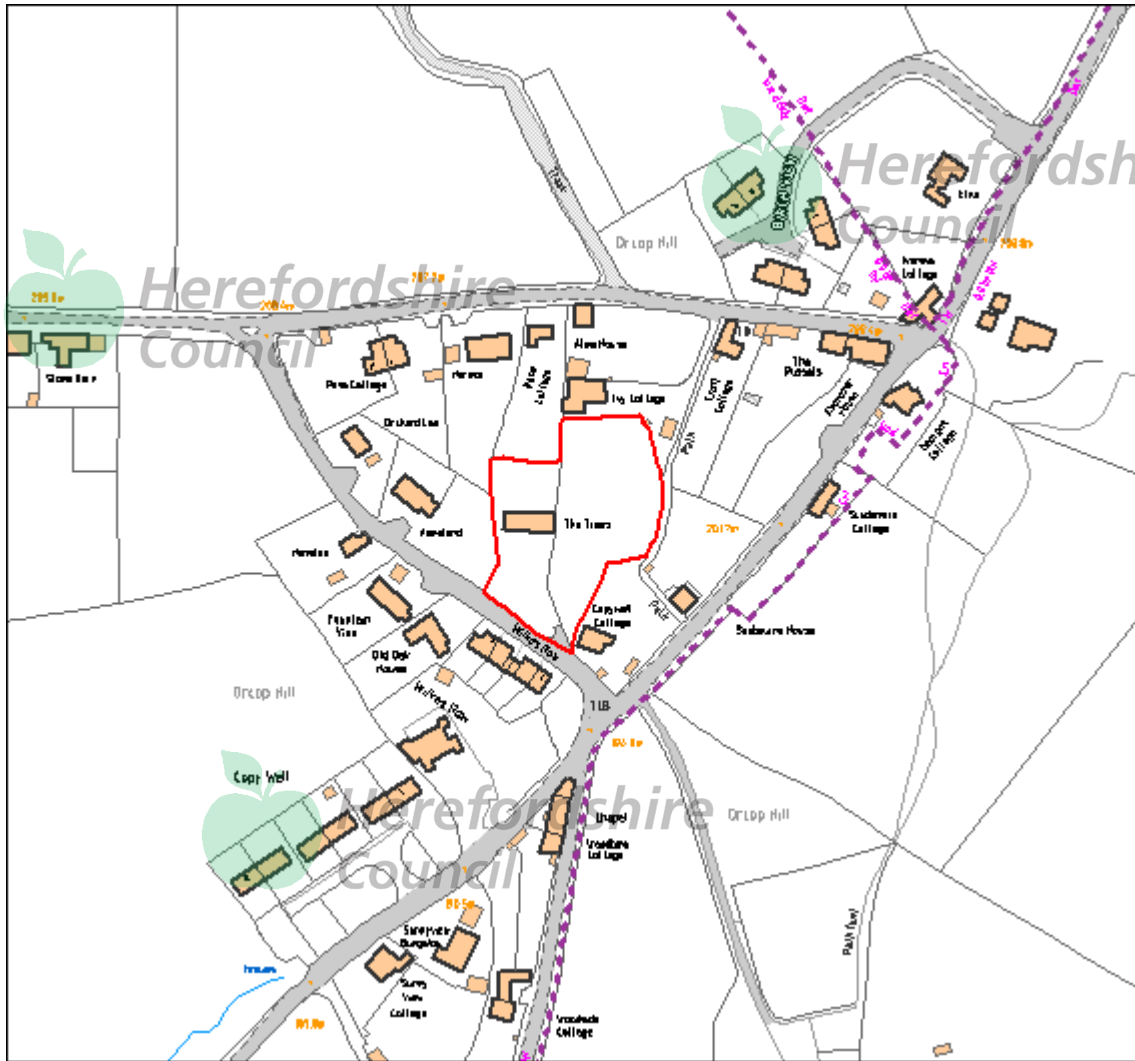
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181664

SITE ADDRESS : THE TREES, ORCOP, HEREFORD

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	181848 - PROPOSED DEVELOPMENT OF THREE DWELLINGS WITH GARAGES AND NEW ACCESS AT LAND EAST OF CASTLE POOL COTTAGE, LITTLE BIRCH, HEREFORD. For: Mr Hull 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=181848&search=181848
Reason Application submitted to Committee – Redirection	

Date Received: 17 May 2018

Ward: Birch

Grid Ref: 350547,232252

Expiry Date: 12 July 2018

Local Member: Councillor DG Harlow

1. Site Description and Proposal

- 1.1 The application site comprises a paddock located to the north of Castle Nibole Road. The site is largely within the Parish of Little Birch but the western edge lies within the Much Birch Parish. There is existing hedgerow bounding the site with the road to the south and along the east and north boundaries. The common boundary between the site and Castle Pool Cottage to the west is currently fenced. There are two gated access points to the field as a whole – one in the south east corner and one along the west boundary.
- 1.2 The topography of the site gently slopes from north to south and down to the roadside. There are no local or national landscape or heritage designations either within the site or the local area. The Agricultural Land Classification for the site is Grade 3 cited as being 'Good to Moderate' agricultural land as noted by Natural England Agricultural Land Classification Maps for the West Midlands.
- 1.3 This application is submitted in outline for the erection of three dwellings with access to be considered and all other matters reserved for future consideration. The proposal will utilise 0.22 hectares of the field. The part not proposed for development will be retained as a paddock and accessed via the western gate.
- 1.4 Through the application process amendments to the scheme have been submitted including changes to the access arrangement and the scheme now proposes 2 x 4 bed properties and 1 x 3 bed. This has reduced from being all four bedroom dwellings.
- 1.5 The application is accompanied by an Ecological Assessment and Traffic Survey.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

2. Policies

2.1 Herefordshire Local Plan – Core Strategy (CS):

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS3	-	Releasing Land For Residential Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
RA1	-	Rural Housing Distribution
RA2	-	Housing in Settlements Outside Hereford and the Market Towns
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD3	-	Green Infrastructure
SD1	-	Sustainable Design and Energy Efficiency
SD3	-	Sustainable Water Management and Water Resources
SD4	-	Waste Water Treatment and River Water Quality

The Herefordshire Local Plan 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

2.2 National Planning Policy Framework (NPPF):

Chapter 2	–	Achieving sustainable development
Chapter 5	–	Delivering a sufficient supply of homes
Chapter 6	–	Building a strong, competitive economy
Chapter 9	–	Promoting sustainable transport
Chapter 12	–	Achieving well-designed places
Chapter 14	–	Meeting the challenge of climate change, flooding and coastal changes
Chapter 15	–	Conserving and enhancing the natural environment

2.3.1 Little Birch and Aconbury Neighbourhood Development Plan (NDP):

The Little Birch and Aconbury NDP was sent for examination on 23 November 2018 and the examiner's report is currently awaited. In line with paragraph 48 of the NPPF, the NDP is afforded moderate weight at this stage.

LBA1	-	Sustainable development
LBA2	-	Development needs and requirements
LBA3	-	Little Birch village
LBA4	-	Development in Little Birch
LBA10	-	Protecting the local environment
LBA11	-	Building design

https://www.herefordshire.gov.uk/download/downloads/id/16134/neighbourhood_development_plan_july_2018.pdf

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

4.1 **Welsh Water – no objection**

SEWERAGE

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency/Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal.

However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development

The proposed development is crossed by a 90mm trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Following re-consultation on amended plans, Welsh Water commented on 21 August 2018:

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

As the applicant intends utilising a private treatment works we would advise that the applicant contacts The Environment Agency / Herefordshire Council Land Drainage Department who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

4.2 **Natural England – no objection**

No objection – Subject to appropriate mitigation being secured

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of River Wye Special Area of Conservation
- damage or destroy the interest features for which River Wye / Lugg Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Foul sewage to be disposed in line with Policy SD4 of the adopted Herefordshire Core Strategy. Where a package treatment plant is used for foul sewage, this should discharge to a soakaway or a suitable alternative if a soakaway is not possible due to soil/geology.
- Surface water should be disposed of in line with Policy SD3 of the adopted Herefordshire Core Strategy and the CIRIA SuDS Manual (2015) C753.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. Subject to the above appropriate mitigation being secured, we advise that the proposal can therefore be screened out from further stages in the Habitats Regulations Assessment process, as set out under Regulation 63 of the Habitats Regulations 2017.

Further advice on mitigation

To avoid impacting the water quality of the designated sites waste and surface water must be disposed in accordance with the policies SD3 and 4 of the adopted Herefordshire Core Strategy.

Foul sewage

We would advise that package treatment plants should discharge to an appropriate soakaway which will help to remove some of the phosphate (see NE report below). Package Treatment Plants and Septic Tanks will discharge phosphate and we are therefore concerned about the risk to the protected site in receiving this. We therefore propose that the package treatment plant/septic tanks and soakaway should be sited 50m or more from any hydrological source. Natural England research indicates that sufficient distance from watercourses is required to allow soil to remove phosphate before reaching the receiving waterbody. (Development of a Risk Assessment Tool to Evaluate the Significance of Septic Tanks Around Freshwater SSSIs) Where this approach is not possible, secondary treatment to remove phosphate should be proposed. Bespoke discharge methods such as borehole disposal should only be proposed where hydrogeological reports support such methods and no other alternative is available. Any disposal infrastructure should comply with the current Building Regulations 2010.

Surface water

Guidance on sustainable drainage systems, including the design criteria, can be found in the CIRIA SuDS Manual (2015) C753. The expectation is that the level of provision will be as described for the highest level of environmental protection outlined within the guidance. For discharge to any waterbody within the River Wye SAC catchment the 'high' waterbody sensitivity should be selected. Most housing developments should include at least 3 treatment trains which are designed to improve water quality. The number of treatment trains will be higher for industrial developments.

An appropriate surface water drainage system should be secured by condition or legal agreement.

Following the re-consultation on amended plans, Natural England commented on 21 August 2018:

Natural England has previously commented on this proposal and made comments to the authority in our letter dated 11 June 2018.

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Internal Council Consultations

4.3 **Conservation Manager (Ecology) - No objection**

Foul water treatment

The site lies within the River Wye SSSI/SAC Impact Risk Zone “any discharges of water or liquid including to mains sewer”. I note the applicant has indicated connection of individual package treatment plants per dwelling, (applicant planning statement dated 15/05/18, drawing Ref LB-5088-04A). This foul water treatment connection as shown on supplied plans should form part of the ‘approved as plans’ construction. Based on this secured implementation there are no unmitigated ‘Likely Significant Effects’ on the River Wye SSSI and SAC.

Biodiversity Mitigation and Enhancement

The recommendations for biodiversity mitigation and habitat enhancements set out in the ecologist’s report (Land E of Castle Pool Cottage, Ecological Assessment, Pure Ecology, dated 23/04/18) shall be implemented as approved and hereafter maintained unless otherwise agreed in writing by the Local Planning Authority.

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply with Herefordshire Council’s Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

A Habitat Regulations Assessment- Appropriate Assessment (HRA AA) was sent to Natural England on 3 December 2018 with a recommended condition in light of the comments received from Natural England.

4.4 **Transportation Manager - no objection subject to recommended conditions**

4.5 **Public Right of Way Officer – no objection**

5. **Representations**

5.1 **Little Birch Parish Council – object**

Little Birch Parish Council object to this application.

In the emerging Neighbourhood Development Plan, strong emphasis is made to restricting development to that which is 'in keeping with other buildings in the area'.

They feel that putting three houses in a plot of this size is not adhering to this, and is really over filling the plot.

The emerging NDP also supports development for local families to remain in the area. The Parish Council believes that this is development of large 4 bedroom houses does not meet this criteria.

The Parish Council are also concerned that this development is in a greenfield site and intends to remove most if not all of an ancient hedge that fronts the plot to the road, they would like consideration to be given to one access point to the plot, thus saving the majority of the hedge.

Following the re-consultation on amended plans, the Parish Council provided further comments on 15 August 2018:

Little Birch Parish Council still object to this application. Whilst the changes in this amendment do save more of the ancient hedge, the Parish Council would stand by their earlier comment:

'In the emerging Neighbourhood Development Plan, strong emphasis is made to restricting development to that which is 'in keeping with other buildings in the area'.

They feel that putting three houses in a plot of this size is not adhering to this, and is really over filling the plot.'

5.2 Much Birch Parish Council (adjoining parish) – object

The Much Birch PC wishes to object to the proposals contained in application 181848 for the following, non exhaustive, reasons:

The proposed location field is believed to be a greenfield site. The development is not using the whole field. The houses proposed are believed to be too large for what is a small area and appears to constitute over-development of the plot. The proposals also require extensive established hedge removal and it is believed that access would be better consolidated than to have three separate punch through areas creating three access points.

Following the re-consultation on amended plans, the Parish Council provided further comment on 7 September 2018:

The Much Birch Parish Council has reviewed the new proposals on application 181848 with the amendments to access and configuration of property types. Following consideration, the PC are minded to reiterate the objection made to the original proposals as it is felt that such a development remains inappropriate at this agricultural location given the size of the houses and the remaining uncertainties surrounding the access proposal

5.3 To date a total of 33 representations of objection have been received from 15 households. The contents of these are summarised below:

- Urbanisation of a rural area. Planning on any of the small fields which are a feature of the community should be refused
- The heart of Little Birch is not a suitable place for building land
- Houses out of keeping with the houses in the area as are the plot sizes. Not of exceptional quality and innovative design
- Should anything be allowed it must be of a rural nature
- Important to only build on greenfield when there is clear community benefits
- The scheme would represent over development of quite a small site

- House types and sizes do not reflect the local demand. The dwellings would do nothing to help rural homelessness as such large houses can only be afforded by wealthy buyers. The reduction of one dwelling from four to three bedrooms does not help affordability
- Significant length of country hedging will be lost. A single access should be considered
- Hedge destruction from one access will have equal environmental damage
- The field is a small agricultural field that is important to the environment and wildlife. It is not an infill plot. Landscape character of village will be altered
- The removal of productive agricultural land further reduces our national food security whilst increasing environmental impact due to import transportation emissions
- Increasing soil phosphates from the proposed sewage treatment will damage well established soil microflora
- Loss of visual amenity for villagers
- The access to the site is dangerous as it would come out onto a bend on a small lane
- The road up Barrack Hill and all the roads off are not too congested and walking has become hazardous
- Extra traffic would create additional noise in the area and further damage lanes
- Dwellings will further burden hard pressed GP and community health services
- Noise and air pollution from extra traffic and wildlife loss will cause distress to local residents
- The ecological assessment was prepared outside of the growing season and the southern hedgerow might therefore give the wrong impression as to what would be lost
- What are Mr Hull's plans for the rest of the paddock

5.4 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=181848&search=181848

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 and the NDP can be afforded moderate weight.

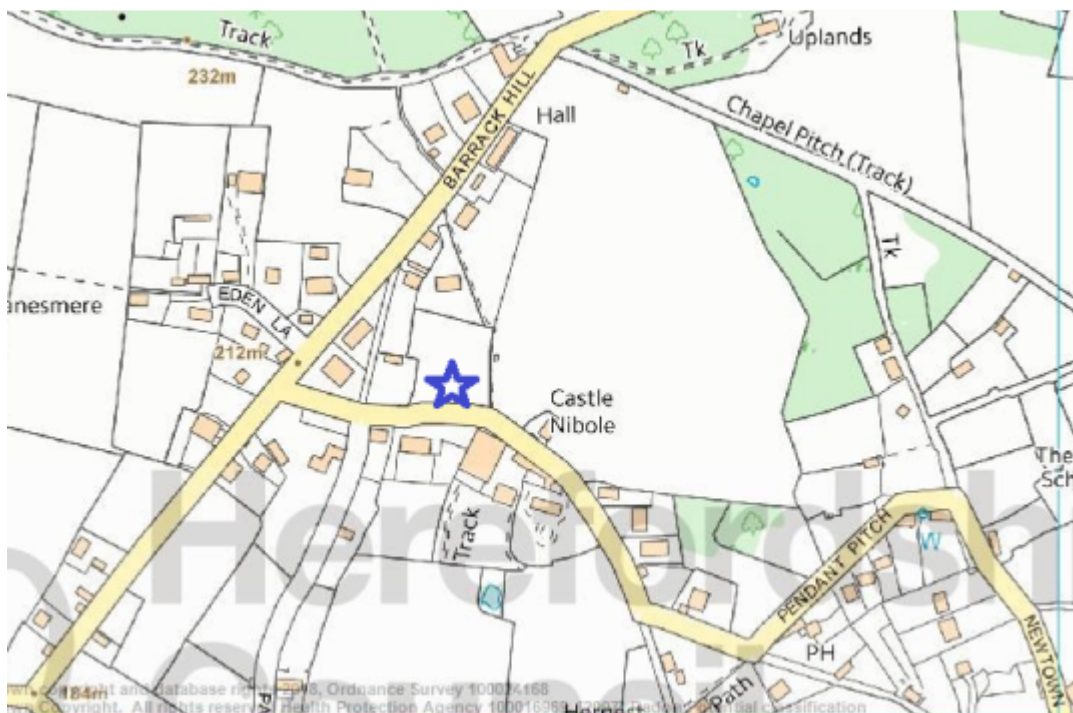
6.3 Despite the relatively recent adoption of the Core Strategy, the Council is unable to demonstrate a 5-year housing land supply. As set out in paragraph 11 of the NPPF, in such circumstances the relevant policies in the Development Plan for the supply of housing should not be considered to be up to date.

6.4 Paragraph 11 of the Framework states that there is a presumption in favour of sustainable development. For decision takers this means approving development proposals that accord with the development plan without delay and where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

assessed against the policies in the Framework taken as a whole. This goes back to the weight to be afforded to policies relevant for the supply of housing with an absence of a 5 year supply. With this in mind, the spatial strategy is sound and consistent with the NPPF; which itself seeks to avoid isolated development (paragraph 79). It is therefore considered that Policies RA1, RA2 and RA3 of the CS continue to attract significant weight.

- 6.5 The approach to housing distribution within the county is set out in the CS at Policy SS2. Hereford, as the largest settlement and service centre is the recipient of up to 6,500 of the requisite 16,500 homes, with the market towns identified in the second tier as recipients of approximately 4,700 dwellings.
- 6.6 Housing in the rural parts of the County is delivered across the settlements identified at figures 4.14 and 4.15 of the Core Strategy (pp. 109 -110). Here the identified settlements are arranged according to the seven identified housing market areas. Figure 4.14 identifies the settlements which will be the main focus of proportionate housing development. Figure 4.15 classifies the 'other' typically smaller settlements where proportionate housing will be appropriate.
- 6.7 There are 119 'main' villages (figure 4.14) and 98 'other settlements' (figure 4.15), giving 217 rural settlements where proportionate growth will be acceptable in principle. Little Birch is identified as a settlement within figure 4.14.
- 6.8 Notwithstanding the above, the preamble to CS Policy RA2 states that NDPs will be the principal mechanism by which new rural housing will be allocated. As stated above, the examiner's report on the Little Birch NDP is currently being awaited. At this stage, moderate weight can be afforded to the Plan.
- 6.9 Recognising that a sensitive approach needs to be undertaken in order to retain the character of the settlement, rather than include a settlement boundary, policy LBA3 of the NDP includes a matrix of road names which, comprising of residential curtilages and other developed plots, gives the village of Little Birch its character. The site is identified by the blue star on the map below.



- 6.10 The site is accessed off Castle Nibole Road, a road identified under policy LBA3. However it is acknowledged that the site is undeveloped and therefore does not fit strictly within this policy for

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

residential development. Notwithstanding this, the NDP is only afforded moderate weight at this point in time. The site is clearly within the main built up part of the settlement and within easy access of the facilities and amenities that the settlement has to offer, including the Castle Inn Public House to the east of the site and bus service at the same location, with the village hall to the north of the application site.

- 6.11 The reasoning behind the matrix system, which seeks to preserve the character of the settlement as a whole where gaps between development have been retained over the years, is recognised. However, the development of three dwellings on the site which it is considered would read as a natural extension of the built form of the village is not considered to be visually unacceptable in this instance. The application is only in outline and the detail of design and form would come forward as part of any reserved matters application but the principle of three dwellings on the site is not found to be out of keeping with the surrounding pattern of development.
- 6.12 The scheme has been amended during the application process to now include 2 x 4 bedroom dwellings and 1 x 3 bedroom dwelling. Within the Ross-on-Wye Housing Market Assessment the main requirement is for 3 bedroom dwellings (at 63.2%) followed by 2 bedrooms (at 24.3%). This is cited under policy LBA2 of the NDP. In light of these figures, the proposal does not accord directly with the hierarchy of dwelling sizes. However, at this point during the plan period and noting that Little Birch has not yet reached its minimum housing target (currently standing at 6 with a remaining 7 dwellings required), this is not found to justify refusal of the application as a whole. Furthermore, policy LBA2 recognises that while housing developments should be informed by and respond positively to the need for a range and mix of house types and sizes, they should not be over-prescriptive in the case of smaller schemes.
- 6.13 Given that the site is considered to be acceptable in terms of its general location, the following sections will go on to consider whether there are any other material considerations of such weight and magnitude that might lead to a conclusion that the proposal represents an unsustainable form of development.

Highways safety

- 6.14 Policy MT1 of the CS and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 103 requires local planning authorities to facilitate the use of sustainable modes of transport and paragraph 108 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.'(NPPF para. 109).
- 6.15 Access to the site is to be taken from the north of Castle Nibole Road in the centre of the site's frontage. An amended block plan has been submitted to indicate a joint access between the three dwellings, rather than the initially proposed three separate accesses. The speed limit on Castle Nibole Road is national but a traffic survey accompanies the proposal and shows that the 85thile speed falls far below this at 21.7mph westbound and 20.2mph eastbound. Based on this, the visibility splays required are 27m westbound and 25m eastbound.
- 6.16 The Department for Transport 'Manual for Streets', NPPF and Policy MT1 of the CS recognise the importance of walking and cycling as modes of transport which offer a more sustainable alternative to car travel and can make a positive contribution towards the overall character of a place, improved public health and in helping to tackle climate change.
- 6.17 As stated above, there is a range of facilities within the locality, as well as public transport connectivity. It is noted, however, that there is a lack of footpaths along Castle Nibole Road and

Barrack Hill to the west. However, this is a characteristic of large areas of the settlement as a whole and therefore would not represent a reason for refusal in this case.

- 6.18 The proposed access would require the removal of hedgerow along the boundary with the road in order to accommodate the visibility splays from a point 2m back from the nearside carriageway. While the submitted scheme indicates an access with 20m visibility splays, this will be increased to 27m westbound and 25m eastbound and conditioned as such on any approval. The impact of the hedgerow removal on the character of the site will be covered below, but this is adequate for the speed of the road in highways terms. The comments received from the Council's Transportation Manager endorse this view and raise no objections to the scheme subject to recommended conditions being attached to any approval. On this basis, the proposal accords with policy MT1 of the CS.

Impact of the development on the landscape

- 6.19 The site is not located within an area where there is either a national or local landscape designation. It is part of an attractive rural setting and within the built up part of a settlement that has been identified for residential growth. Policy LD1 of the CS states that proposals should demonstrate that character of the landscape has positively influenced the design, scale, nature and site selection, protection and enhancement of the setting of settlements.
- 6.20 While the dwellings will be visible from public viewpoints of the road and footpath to the east, subject to acceptable design, layout and appearance - being reached through a reserved matters application, a scheme, in keeping with surrounding development, could be achieved on the site. Policies LBA4 and LBA10 of the NDP comment on specific design criteria and following them would result in a development that assimilates into the wider rural landscape.
- 6.21 With regard to the removal of the hedgerow to accommodate the new access, this feature clearly adds to the rural character of the lane. The Ecological Assessment recommends the planting of native hedgerows within the scheme as mitigation for this loss and while the character of the streetscene would change, the harm is not found to be of a level that justifies the refusal of the application as a whole.
- 6.22 Comments have been received in relation to the density of the proposal which stands at 14 dwellings per hectare. Policy SD1 of the CS makes it clear that proposals should ensure there is efficient use of land taking into account the local context and site characteristics. Noting the surrounding development, there is a variety of plot sizes and dwelling types although detached properties are more prevalent. Three appropriately designed and sited dwellings are not found to be out of keeping with the locality.

Ecology

- 6.23 Policies LD2 and LD3 of the CS are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.24 The application has been submitted with an Ecological Assessment which comments upon the site as a whole and the removal of the hedgerow in order to accommodate the access point. This recommends mitigation methods such as the use of native hedgrows being incorporated into the proposals and appropriate lighting. Enhancement measures are also suggested including new bat roosts and landscaping. The Council's Ecologist has had sight of the assessment and does not object to its conclusions and recommendations. It is noted that Natural England also have no objections and a HRA AA has been submitted to them with this in mind. The outcome of the Assessment is awaited and this is reflected in the recommendation below.

- 6.25 In terms of drainage, the site lies within a flood risk zone 1. The application form which accompanies the proposal states that package treatment plants will be utilised for the disposal of foul sewage with a sustainable drainage system and soakaway would be used for surface water. Given the size of the site and the lack of drainage concerns locally, these methods are found to be acceptable in principle. The technical details of these methods would be covered by the Building Regulations.

Other issues

- 6.26 In relation to impacts affecting the amenity of both existing and future occupants, given the orientation of the site and relationship with neighbouring properties, it is considered likely that a scheme that is both in keeping and avoids overlooking and overshadowing could be achieved. It is found to be appropriate to condition working hours during the construction phase of any development on the site.
- 6.27 Comments have been received in relation to the impact on the services within the settlement and neighbouring, Much Birch. Given that Little Birch has been identified as a settlement for residential development and it has not yet met its indicative target based on the number of households within the Parish (which is a minimum) this is not found to represent a reason to refuse the application.
- 6.28 The loss of an agricultural field is noted, although only 0.22ha is proposed for development and this is characterised as 'Good to Moderate'. As a result of the area to be developed and its grading, this is not found to outweigh the benefits of the proposal which have been identified above.
- 6.29 It is reiterated that the appearance, layout and scale are all aspects to be considered under a reserved matters application. It is only the principle and access to be established under this application.

Summary and conclusions

- 6.30 Both CS policy SS1 and paragraph 11 of the National Planning Policy Framework engage the presumption in favour of sustainable development and require that development should be approved where they accord with the development plan. The NPPF encompasses the government's view of what is meant by sustainable development in practice. The three themes, economic, environmental and social should be pursued jointly and simultaneously.
- 6.31 The application is for housing and in the light of the housing land supply deficit must be considered against the test prescribed at NPPF paragraph 11 and CS Policy SS1. Permission should be granted, therefore, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when considered as a whole.
- 6.32 The site is located within the main built up part of Little Birch a settlement identified for residential development under policy RA2 and relates to one of the streets named in NDP policy LBA3. The principle of development is considered to be acceptable, with the detailed design, layout and landscaping to be considered at the reserved matters stage. It is at this stage that it would be appropriate to consider detailed design and amenity aspects of the scheme and ensure compliance with Policy RA2, SD1 and LD1 of the CS. It is recognised that the requirements of NDP policy LBA4 provide for a more subjective analysis of individual sites and could be widely interpreted, but given that it can only be afforded moderate weight at this stage, the recommendation affords greater weight to the CS policies.

- 6.33 While the loss of the hedgerow to accommodate the access is regrettable, and local residents concerns have been considered on this, the proposed development complies with the requirements of policy MT1 of the CS and with the guidance contained within the National Planning Policy Framework. Matters of impact upon biodiversity have been considered and the Council's Ecologist is content that the mitigation measures proposed in the ecology report that accompanies the application are sufficient to ensure that the requirements of policy LD2 are met.
- 6.34 In assessing the three indivisible dimensions of sustainable development as set out in the CS and NPPF, officers are of the opinion that the scheme is representative of sustainable development and that the presumption in favour of approval is engaged. The scheme will bring forward three dwellings in the built up part of the settlement with the associated economic and social benefits that small developments in rural hamlets support.
- 6.35 Officers are content that there are no other matters of such material weight that would justify withholding planning permission and the application is accordingly recommended for approval, subject to no objection from Natural England.

RECOMMENDATION

That subject to receipt of confirmation that Natural England do not object to the Habitat Regulations Appropriate Assessment undertaken by Herefordshire Council, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **C02 Time limit for submission of reserved matters (outline permission)**
2. **C03 Time limit for commencement (outline permission)**
3. **C04 Approval of reserved matters**
4. **C05 Plans and particulars of reserved matters**
5. **C06 Development in accordance with the approved plans**
6. **CBK Restriction of hours of construction**
7. **CAB Visibility splays 27m westbound and 25m eastbound**
8. **CAE Vehicular access construction**
9. **CAH Driveway gradient**
10. **CAL Access, turning area and parking**
11. **CAS Road completion in 2 years**
12. **CAZ Parking for site operatives**
13. **CBA Cycle Storage**
14. **CBM Scheme of foul and surface water disposal**
15. **The recommendations for biodiversity mitigation and habitat enhancements set out in the ecologist's report (Land E of Castle Pool Cottage, Ecological Assessment, Pure Ecology, dated 23/04/18) shall be implemented as approved and hereafter**

maintained unless otherwise agreed in writing by the Local Planning Authority.

No external lighting should illuminate any of the enhancements or boundary features beyond any existing illumination levels and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council’s Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

- 16 All foul water from the development hereby approved shall discharge through connection to new private foul water treatment systems with final outfall to suitable soakaway drainage fields on land under the applicant’s control. All surface water from this development shall discharge to appropriate SuDS or Soakaway features. The foul water and surface water management schemes shall be implemented as approved and hereafter maintained unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), NPPF (2018) and Herefordshire Council Core Strategy (2015) policies LD2 and SD4.

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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

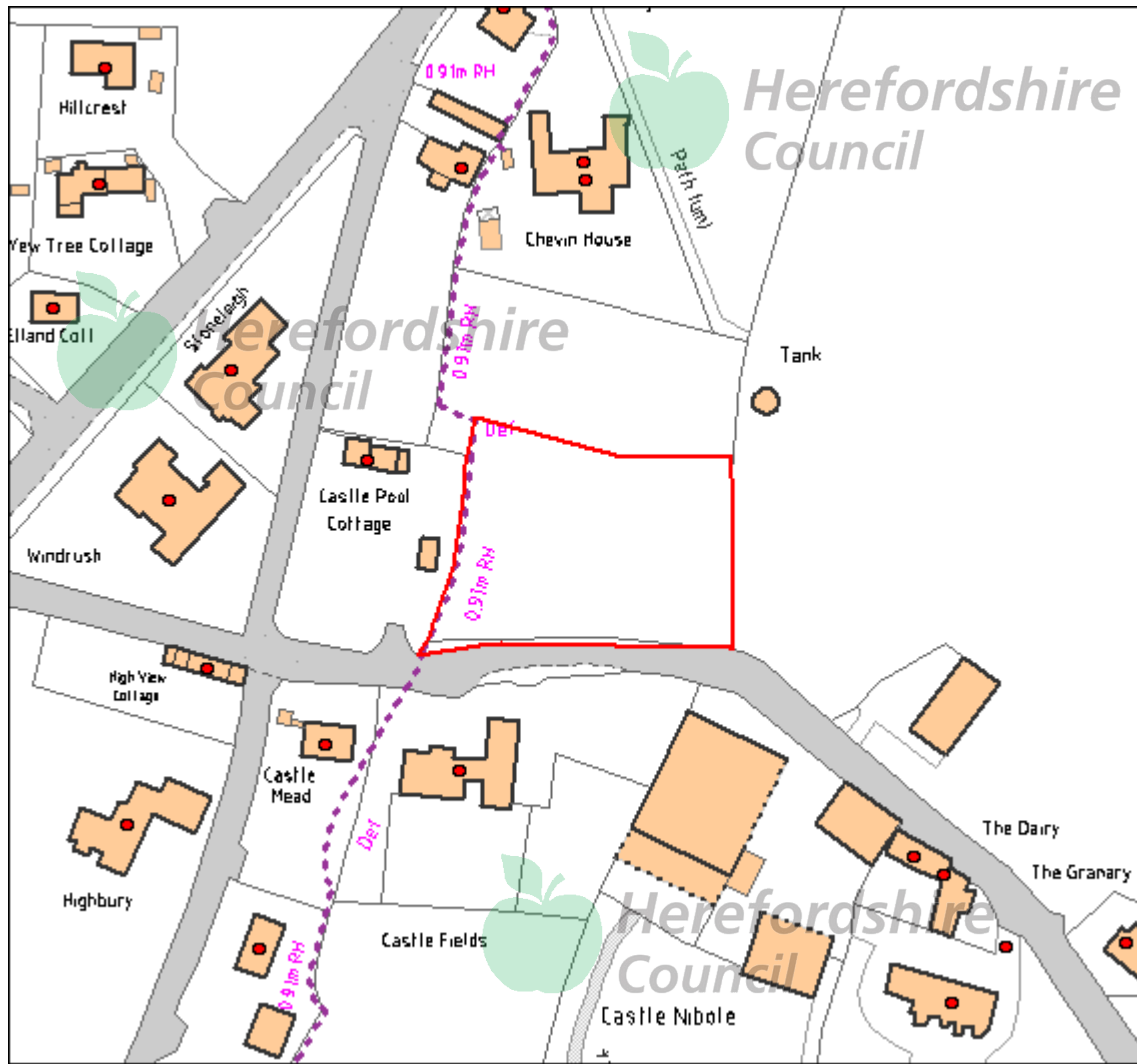
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 181848

SITE ADDRESS : LAND EAST OF CASTLE POOL COTTAGE, LITTLE BIRCH, HEREFORD

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MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	182893 - CONSTRUCTION OF AN EXTERNAL 3G ARTIFICIAL TURF PITCH (ATP) WITH FENCING, FLOODLIGHTING, A STORAGE CONTAINER AT SPORTS GROUND AND CLUB ROOM, OLD SCHOOL LANE, HEREFORD, HEREFORDSHIRE, HR1 1EX For: Pegasus Junior Football Club per Mr Nick McLaren, 1a Perth House, Corbygate Business Park, Corby, NN17 5JG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182893&search=182893
Reason Application submitted to Committee – Staff Member Interest	

Date Received: 3 August 2018

Ward: Holmer
(Adjacent to
Widemarsh)

Grid Ref: 351242,241965

Expiry Date: 21 December 2018

Local Member: Councillor AR Round (adjacent Ward Member – Councillor PA Andrews)

1. Site Description and Proposal

- 1.1 The 0.9 hectare site comprises an essentially rectangular parcel of land that occupies a corner plot to the southeast of the junction of Old School Lane with Roman Road (A4103) to the north of Hereford. It is in Holmer Ward, but the boundary of Widemarsh Ward lies on the western side of Old School Lane. Residential development lies to the north of the site beyond the 'A' road, whilst to the west, south and east the uses are predominantly of an industrial nature, including both general and light industrial uses. The site is within the Health and Safety Executive inner, middle and outer consultation zones and the SSSI impact zone. The northern section of the site is relatively flat, with levels gradually falling to the southeast corner. The perimeter of the site is delineated by 2.1 metre high timber fencing of a 'hit and miss' design. Within the site there are a number of football pitches, a covered spectator stand, a pavilion, dug outs and car parking for 66 cars, with vehicular access taken from Old School Lane.
- 1.2 It is proposed to construct an external 3G artificial turf pitch (ATP) on the site of the main existing grass pitch, which lies to the western side of the site and is aligned north to south. This would accommodate a 11 v 11 football pitch (sized 106m x 70m) and a variety of youth football pitches, mini soccer pitches and training areas. The scheme includes the provision of fencing around the pitch (including 8m high ball stop netting to the goal ends and 4.5m high fencing to boundaries to replace existing – both to be dark green polyester powder coated), new floodlighting (8 x 15m tall steel columns with a galvanised self-coloured external finish and 16

 Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

luminaires – 2 per column) and a storage container (height of 2.59m) to be sited within the fenced area.

- 1.3 The application has been supported by a Design and Access Statement, floodlighting details, information about the surfacing materials (rubber crumb) used and a Noise Assessment.
- 1.4 It is stated that the hours of use would be 9am to 10pm every day (weekdays and weekends), including Bank Holidays.

2. Policies

- 2.1 The Herefordshire Local Plan 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

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and Transportation
SS6	-	Environmental Quality and Local Distinctiveness
SS7	-	Addressing Climate Change
HD1	-	Hereford
HD3	-	Hereford Movement
SC1	-	Social and Community Facilities
OS1	-	Requirement for Open Space, Sports and Recreation Facilities
OS2	-	Meeting Open Space, Sports and Recreation Needs
OS3	-	Loss of Open Space, Sports and Recreation Facilities
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
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 2018 (NPPF)

Chapter 1	-	Introduction
Chapter 2	-	Achieving Sustainable Development
Chapter 4	-	Decision-making
Chapter 6	-	Building a Strong, Competitive Economy
Chapter 8	-	Promoting Healthy and Safe Communities
Chapter 9	-	Promoting Sustainable Transport
Chapter 11	-	Making Efficient use of Land
Chapter 12	-	Achieving well-designed Places
Chapter 14	-	Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 15	-	Conserving and Enhancing the Natural Environment
Annex 1	-	Implementation
Annex 2	-	Glossary

- 2.3 National Planning Policy Guidance (NPPG)

- 2.4 Hereford Area Plan - is at drafting stage and for planning application decision making it cannot be afforded any weight.

3. Planning History

- 3.1 CE2002/3404/F – Development of existing sports ground. Facilities to include 2 pitches, new buildings for changing rooms, office, kitchen etc, seating and W.C facilities. Also covered stand, floodlighting, improved access, parking, fencing, landscaping – approved 15.1.2003
- 3.2 CE2005/1077/F – Extension of changing room – top provide showers, toilets and clubroom and recladding of building – approved 24.5.2005
- 3.3 CE2006/3334/F – Timber cladding of portacabin to match existing changing rooms. Retention of existing portacabin at rear of changing room, covered standing shelters and 3 sets of manager dugouts (retrospective). Training floodlights – approved 13.12.2006
- 3.4 P131021/F - Proposed tea bar, extension to club room and replace boundary fencing and dug-outs – approved 5.6.2013

4. Consultation Summary

Statutory Consultations

4.1 Sport England

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: www.sportengland.org/playingfieldspolicy

The Proposal and Impact on Playing Field

This application seeks planning consent for the development of a 3G Artificial Grass Pitch (AGP) on an existing stadia grass pitch used for football by Pegasus Juniors FC. The existing grass pitch is floodlit and includes team dugouts, a spectator perimeter fence and a spectator stand on the eastern side of the pitch. The dug outs, spectator fencing and floodlighting would be replaced, though the existing spectator stand would remain. The proposed development involves the provision of a pitch to accommodate a full size adult pitch of 106m x 70m including run-off, and a variety of youth and mini football pitches and training areas over-marked to

maximise its potential use across all age ranges. There would be new 8m high ball stop fencing to the end goal areas to replace existing netting, new 4.5 metre high ball stop fencing around the perimeter of the AGP to replace existing fencing, a new 1.2 metre high spectator barrier to replace the existing fence around the edge of the pitch, new hard standing areas for pedestrian access, goals storage, spectator viewing etc, new floodlighting comprising 8x15m columns with new luminaires, and a new maintenance equipment store.

The existing site also contains a pavilion building and an additional grass pitch to the east/south east which would remain and an associated car parking area to the south that would continue to serve the existing and proposed facilities.

Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.

Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance;
- improves the delivery of sport and physical education on school sites; and
- is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- other users would be displaced without equivalent replacement provision;
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The Design and Access statement explains that the proposal has been developed in consultation with Hereford FA to meet an identified need for 3G pitches in Hereford. The intention is that proposed 3G pitch will not only provide home ground facilities for Pegasus Juniors FC to play and train, but will also provide wider community access for other football clubs, partner organisations and community groups in the local area to use the pitch during evenings and weekends. The intended hours of use until 10pm are proposed to maximise the usage of the pitch for the development of sport to deliver up to 85 hours per week of use. This then will significantly improve the quantity of use of the pitch compared to the existing grass pitch which is restricted in practical terms by the wear and tear that takes place when using a

grass pitch. The provision of the AGP will also have indirect benefits on existing grass pitches in the area, by allowing training/matchplay to be transferred onto the AGP thereby reducing overplay of existing grass pitches, and minimising the risk of fixtures being cancelled due to unplayable pitch conditions.

Sport England also notes the contents of the Design and Access statement which explains that the proposal will allow for a range of pitch sizes to be provided on the same surface to maximise the benefits of the AGP for all age ranges, and that this will then maximise the opportunities for developing football programmes at the site as well as supporting matchplay and training activities.

A planning application has also been submitted for a 2nd AGP at the County FA site at Widemarsh Common, for which I have commented separately. Both sites are located within the north of Hereford and so would be likely to serve a similar catchment. Sport England is aware that the Council have been working with Hereford FA for several years following the completion of the Playing Pitch Strategy in 2012 to identify suitable sites for 3G pitch investment to meet identified local needs. Both of these pitches are required and so should not be seen as alternatives for investment.

Sport England have consulted the FA and Football Foundation who have commented as follows:

Football Foundation Comments

- The pitch is being delivered through the FF/FA 3G Pitch Framework, and therefore the proposed specification is in line with The FA and Ground Grading requirements.
- Although Herefordshire does not have a current or up to date Playing Pitch Strategy. Herefordshire Council produced a Sports Investment Strategy in 2012 which has continued to be updated and refreshed biannually. This document specifically identified the need for a further 2 full size 3G pitches in Hereford, in addition to the existing (and recently refurbished) 3G pitch at Hereford Academy. The Pegasus FC site was identified as a potential location for delivery, along with a pitch at either Herefordshire FA (County Ground) or Hereford Leisure Centre. The demand for 3G pitches in the county is unquestionable, as only one pitch is currently available (Hereford Academy) and on the FA Pitch Register. Based on the number of affiliated teams in the county (circa 250, 2018/19) and using the FA ration of 1 pitch for every 42 teams, at least another 5 pitches are required to be provided in the county to meet current demand.
- The applicant will be making an application to the Football Foundation for funding towards this project, and has been prioritised for investment, and as such will be required to provide guaranteed community access to the facility as part of the submission. Any grant award will be subject to an agreed business plan, programme of use and site development plan.
- The Football Foundation, on behalf of The FA, is fully supportive of this project and it has been prioritised to receive Football Foundation investment. The project should be subject to the following conditions:
 - **Construction Quality** - The pitch is constructed and maintained to FIFA Quality Concept for Football Turf – FIFA Quality
 - **Testing** - The 3G pitch is tested and subsequently FA registered (on completion and then every three years for grassroots football and every 1 year for football in the National League System). This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times.

- **Pricing** - Pricing policies must be affordable grass roots football clubs and should be agreed with the local County Football Association. This should include match-rate at weekends equivalent to the Local Authorities price for natural turf pitches.
- **Sinking fund** - Ensure that a sinking fund (formed by periodically setting aside money over time to cover the resurface and replacement life-cycle costs) is in place to maintain 3G pitch quality in the long term. The Football Foundation recommend £25K per annum.

Sport England notes the comments made and concurs that the proposed development accords with known priorities for development of 3G pitches in Hereford. It is understood that whilst it is likely that the club will receive investment from the Football Foundation, with some match funding to be provided from the club, there is likely to be a funding shortfall to deliver this pitch, and that there are section 106 funds that have been earmarked to support the delivery of this development.

In order to ensure that the design and specification of the pitch is completed to the required standard to meet the above requirements and be fit for purpose it is recommended that the following planning condition be imposed:

Condition 1

Use of the development shall not commence until:

- a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,
- b) Confirmation that the facility has been registered on the Football Association’s register of Football Pitches

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

REASON : To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policies ** of the Development Plan.

INFORMATIVE : The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.

In order to secure an appropriate arrangement of community use in accordance with the proposals set out in the Design and Access Statement to meet local needs (including a pricing policy that is affordable to local teams, maximises the available hours of community use, and puts in place appropriate arrangements for management and maintenance), and to justify the loss of the grass pitch under exception E5 it is recommended that a community use agreement is secured by condition as follows:

Condition 2

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.

REASON : To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policies ** of the Development Plan.

INFORMATIVE: Guidance on preparing Community Use Agreements is available from Sport England at : <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy. The absence of an objection is subject to the above condition(s) being attached to the decision notice should the local planning authority be minded to approve the application.

Should the condition/s recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet exception 5 of our playing fields policy, and we would therefore object to this application.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

4.2 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

4.3 **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 note that the application will not produce any foul water, however understand that the intention is to drain surface water to the public sewer. As the Statutory Sewerage Undertaker we are not obliged to accept land drainage and therefore we do not consider this approach acceptable.

Therefore, if you are minded to grant planning permission we request that the following Conditions and Advisory Notes are included within any subsequent consent.

Conditions

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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

Internal Council Consultations

4.4 **Conservation Manager (Ecology)**

The application falls within the catchment of the River Wye and associated tributaries. The River Wye which has international designations as a Special Area of Conservation, SAC. The site falls within the Discharges "any discharge of water or liquid waste..." SSSI Impact Risk Zone for the River Wye SSSI/SAC.

Under Habitat Regulations, where a development proposal is likely to affect a SAC the Local Planning Authority must undertake a formal process (Habitat Regulations Assessment or HRA) that includes an initial Screening Assessment and a subsequent Appropriate Assessment in consultation with the statutory nature conservation body - Natural England.

- However, Natural England has been consulted and has no comments on this application.

There is no foul water discharge associated with the development.

- Within the Design and Access Statement the surface water drainage strategy has proposed connection to surface water sewer. Welsh Water does not consider this approach acceptable.
- The applicant should ensure the surface water is appropriately managed and is compliant with Local Plan Policy SD3.

Details of how surface water run-off will be managed to ensure no increased discharge from site will occur and how potential pollution/contamination from vehicles, roadway and drives will be managed on site.

Local Plan Policies SD3 and SD4 relating to disposal of foul water and surface water are a key consideration in relation to Habitats Regulation Assessment and failure to supply sufficient information will result in the LPA having to conclude that there will be a Likely Significant Effect upon the SAC thus delaying determination or leading to formal ecology based objections.

- No external lighting should illuminate any boundary features and all lighting on the development should support the Dark Skies initiative (DEFRA/NPPF Guidance 2013).

4.5 Open Space Planning Officer

Proposal: This application seeks planning consent for the development of a 3G Artificial Grass Pitch (AGP) on an existing stadia grass pitch (floodlit) used for football by Pegasus Juniors FC at their ground at Old School Lane Hereford. It will result in the loss of a usable grassed playing pitch.

The proposed 3G ATP is full size (senior), 106m x 70m including run-offs. It will have a variety of youth and mini football pitches and training areas over-marked to maximise its potential use across all age ranges.

The existing dug outs, spectator fencing and floodlighting would be replaced and the existing spectator stand would remain.

The Design and Access statement confirms that the pitch is being delivered through the Football Foundation (FF) 3G Pitch Framework, and the proposed specification is in line with the FF and Ground Grading requirements.

My comments relate only to the requirement for such a facility in meeting both national and local planning policies including that of Sport England. All other considerations such as access, transport, landscape, conservation etc. will be dealt with by the Planning Officer.

Planning Policy: The following policies will apply.

- *NPPF: paragraphs 96 -97:*
 - Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the development is for

- alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development
- *Core Strategy policy SS1: presumption in favour of sustainable development.* Supports proposals which improve social, economic and environmental conditions in the county taking into account any adverse impacts in granting permission which would significantly and demonstrably outweigh the benefits.
 - *Core Strategy Policy OS3: Loss of Open Space, Sport or Recreation facilities.* The loss of sports facilities results in an equally beneficial replacement for the local community.
 - *Sport England Policy on Planning Applications affecting playing fields E5:* the proposed development is for an outdoor facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing fields.

Assessment of need: The Hereford Playing Pitch Assessment 2012 and the Outdoor Sports Investment Plan 2017 provide the evidence base as required by the NPPF and Core Strategy Policy OS3. The Outdoor Sports Investment Plan is overseen by a partnership of Herefordshire Council, Sport England, County Sports Partnership and the National Governing Bodies for football, cricket, hockey and rugby and it is by this mechanism that data, priorities and need are kept up to date. Sport England supports this approach.

Evidence in these documents shows that there is deficit of football facilities for training (senior and junior) and dedicated junior football pitches in Hereford. As such the Outdoor Sports Investment Plan 2017 contains a number of projects to address deficiencies including the provision of 2 x 3G AGPs in Hereford in recognition that AGPs are more sustainable than grass pitches and are beneficial to growing the sport. This is underpinned by work undertaken by the Football Foundation to establish how many (AGPs) would be required in the county in addition to those already in place to accommodate the deficiencies identified for football. This concluded that an additional 2 x AGPs are needed and can be sustained in Hereford City.

This work also established that the most sustainable solution to benefit the local clubs will be to locate the 2 new facilities north of the river given the catchment areas of the Hereford based clubs. The only existing 3G AGP is at the Hereford Academy (south of the river) and is used by clubs both south and north of the river. By freeing up space this will help to meet unmet demand south of the river.

3Gs provide greater use to the benefit of the sport in meeting identified deficiencies. The Design and Access statement explains that the proposal will allow for a range of pitch sizes to be provided on the same surface to maximise the benefits of the AGP for all age ranges, and that this will then maximise the opportunities for developing football programmes at the site as well as supporting match-play and training activities. The intended training activities. The intended hours of use until 10pm are proposed to maximise the usage of the pitch for the development of sport to deliver up to 85 hours per week of use. This then will significantly improve the quantity of use of the pitch compared to the existing grass pitch which is restricted in practical terms by the wear and tear that takes place when using a grass pitch. The provision of the AGP will also have indirect benefits on existing grass pitches in the area, by allowing training/match play to be transferred onto the AGP thereby reducing overplay of existing grass pitches, and minimising

the risk of fixtures being cancelled due to unplayable pitch conditions. This accords with Sport England's, exception E5 as described above.

In accordance with the NPPF and Cores Strategy policy SS1, the provision of a 3G AGP at Pegasus Juniors FC Old School Lane Hereford will be sustainable, deliverable and manageable. Finding a suitable location which has proved to be difficult. In order to deliver effective management arrangements the proposal will be located on an established site. Other sites have been considered including Aylestone School and the Hereford Leisure Centre. Aylestone School was not acceptable in planning terms and the Leisure Centre provides the only artificial turf pitch suitable for hockey (sand based) in this part of the county. This surface is not suitable for football.

The site is currently used by Pegasus Juniors FC. In order to meet the policy requirements set out above, the proposed 3G will need to provide wider community access. The Design and Access statement explains that the intention is that the proposed 3G pitch will not only provide home ground facilities for the existing club to play and train, but will also provide wider community access for other football clubs, partner organisations and community groups in the local area to use the pitch during evenings and weekends. Both the Herefordshire Football Association (HFA) and the Football Foundation (FF) are supporting this proposal with grants and there is a requirement from both for the facility to be available to all members of the community from juniors through to veterans, male and female, disability groups etc, and for this to be demonstrated through a five year development plan and a five year business plan.

In order to meet the community use proposals set out in the Design and Access Statement it is recommended that a community use agreement is secured by condition. This is in accordance with Core Strategy policy OS3 and associated evidence bases and Sport England exception policy E5. This will ensure that an appropriate arrangement of community use (including a pricing policy that is affordable to local teams, maximises the available hours of community use, and puts in place appropriate arrangements for management and maintenance) is secured.

It is noted that there isn't a standard condition. Sport England has provided comments on this application in which they have helpfully included a non-standard condition

4.6 Environmental Health Manager - Noise/Lighting - Original comments

My comments are with regard to potential noise and nuisance issues that might arise from development.

This proposal is on an existing site used for football. A change of surface to an all weather pitch and new floodlighting is likely to lead to a significant intensification of use. There are neighbouring residential premises within 50m to the north on the other side of the Roman Road and also to the south and east.

Floodlighting

The applicant has supplied details of the proposed floodlighting to be installed but no assessment as to how this might impact on neighbours. An assessment with floodlighting contours is requested.

Noise

The applicant is requested to supply a noise assessment for the proposal which examines likely noise impacts on neighbours for an appropriate character correction to be included to reflect likely noise characteristics.

Please advise the applicant that we do not support the proposal for a condition

The playing surface hereby approved shall only be used between the hours of 08:00 and 22:00 Monday to Sunday. The surface may be used between the hours of 22:00 and 23:00 no more than 10 occasions in any 12 month period, and the Council shall receive written notification from the applicant no later than 48 hours beforehand that the surface is to be used beyond the hours of 22:00.

4.7 Environmental Health Manager - Noise/Lighting - Amended details comments

I have been reconsulted with regard to applicant's submission regarding lighting and noise.

Lighting

I have re-examined the technical details of the floodlighting and advise that I have no objections to what is proposed.

Noise

In my response of 3rd October I requested a noise assessment. This has not yet been supplied. My key concern is the potential noise impacts arising from the intensification of use of this site in the evenings when road traffic noise from the A4103 is likely to diminish. There is also a residential property 50m to the south. We are aware of other local authorities that have had issues with noise and nuisance issues arising from the intensification of use as a result of the installation of 3G Artificial Turf Pitch so a noise assessment is still requested. However I have no objections if this is a desk top exercise which uses existing road traffic noise data to evaluate the potential noise generated against background noise levels.

4.8 Environmental Health Manager - Noise/Lighting - Noise Assessment Comments

Further to my response of 20th November our department is now in receipt of a Noise Impact Assessment.

The applicant has supplied predicted noise levels based on data gathered from the use of other Artificial Grass Pitches and compared this against existing data regarding background noise levels – largely those emanating from road traffic noise to the north on the A4103.

The predicted noise modelling shows that the highest predicted noise at the ground floor façade emanating from the site will be 49dB LAeq to the north and 47dB LAeq to the south. Both these noise levels are compared with data regarding predicted existing noise levels and finds that noise impacts from the site in the evening (the most noise sensitive part of the proposed operation) will be below the 'lowest observed adverse effect' level. Our department therefore has no objection so these proposals on noise grounds.

I recommend the following conditions:

The use of the proposed Artificial Grass Pitch and associated floodlighting shall be restricted to the following hours:

Monday to Friday 09:00 to 22:00 hours
Saturday and Sunday 09: to 22:00 hours.

Prior to the use of the site for sporting purposes a Community Use Management plan and a Noise Management Plan shall be submitted and approved in writing by the local authority. This will incorporate issues set out in para 4.8.2 of the applicant's Design and Access statement.

A prohibition of the use of amplified music at the site.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

4.9 **Transportation Manager**

I have now had the opportunity to review the information provided. Please see below my comments and recommendation.

- The applicant recognises that the proposals will result in an increase in usage and therefore there will be an intensification of the Access Road / Old School Lane junction. A visibility splay of approx. 57m southbound and 49m northbound is achieved from a setback of 2.4m, this is in keeping with the standards set out in MfS2 for a 30mph road. There are no proposed changes to the existing access arrangements.
- The applicant states that congestion in the parking area and on the local highway network will aim to be mitigated by ensuring fixtures/events do not overlap, by managing on-site traffic during events and by the promotion of car sharing, public transport and walking and cycling to the site, this should include the provision of a Travel Plan. There are bus stops on Old School Lane within 200m of the site, it is also stated that new cycle stands have recently been installed at the site.
- A total of 66 car parking spaces are proposed, this represents no change to the number of existing parking spaces. The Herefordshire Design Guide Parking Standards state that for team games areas 1 car space is required per 2 team members. It is estimated that the maximum number of players utilising the ATP at any given time is 40, meaning 20 spaces are required according to the standards. The provision of 66 spaces is considered acceptable as it means that the on-site parking provision should be able to accommodate the max number of vehicles expected to be at the site at any given time, meaning overflow parking on nearby residential streets should be avoided.
- An assessment of 'crashmap' has demonstrated within the past five years no serious or fatal incidents have occurred near the site. Also, there are no obvious clusters of incidents which would suggest an underlying issue with the highway layout.
- The applicant has provided detail of the drainage strategy in the submitted Planning Statement. The applicant should ensure that no water discharges onto the highway.

Recommendation

This application is recommended for approval, subject to the following conditions.

CB3 - Travel plans

Prior to the commencement of the development a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy

I05 – No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

I11 – Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

I35 – Highways Design Guide and Specification

The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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 Highways Services 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 Highway Service can be contacted on Tel. 01432 845900.

5. Representations

5.1 Holmer Parish Council

Support the application.

5.2 Hereford City Council (adjacent Parish)

Hereford City Council Planning Committee objected to Planning Application 182893. Councillors are concerned that the materials used to create artificial pitches of this nature are hazardous to children. Several Councillors had done research into this area and were troubled by the possibility of allowing potentially dangerous exposure to toxic materials. Can the applicant guarantee that their materials are not hazardous to the health of those who use their pitches? Please could Councillors also receive further information and reassurance that every measure has been taken to ensure maximum safety. Councillors were also concerned that the artificial pitch would mean there was no where for run-off rainwater to go, and were also troubled by the loss of another natural green space.

5.3 Two letters of support have been received from Herefordshire Football Association – Facilities and Grants Manager and Chief Executive. In summary these state:

- Herefordshire FA fully supports this application
- Current dire lack of these facilities in the county (demand for 7 AGPs), compared to the rest of the country we are being left behind.
- Proposal would go some way to addressing the need and benefiting the community as a whole
- Will support both existing clubs and future growth of football in the county – including increased number of female (adults and children) teams, disability sides and other key areas
- Without such facilities the growth in participation cannot be supported
- Recent seasons have suffered significant postponements due to poor weather, of these wet conditions are the biggest cause of postponement, which will not generally affect the AGPs
- The venue would allow leagues to be centralised, vastly reducing the risk of such a catastrophic season impacting on Herefordshire football again
- Pegasus Juniors FC currently runs several community programmes, through successful partnerships and their ability to provide community initiatives and growth them greatly depends on the success of this application
- Such initiatives enable participation for all across the county and are integral to the growing of the game
- The positive effect of successfully delivering such a facility should not be underestimated

5.4 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=182893&search=182893

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 SS1 advises that *‘When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.’* It continues that it will seek to secure development that improves the social, economic and environmental conditions in Herefordshire. It also confirms, in accordance with the statutory duty that planning applications that accord with the policies in CS will be approved, unless material considerations indicate otherwise. The text on the ‘Vision for social progress in Herefordshire’ also advises that the opportunities and benefits from sport, amongst other things, will be maximised, enabling more active lifestyles and an improved quality of life for all.

- 6.4 NPPF Chapter 2 – Achieving sustainable development advises that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) to secure sustainable development. The three overarching objectives, are economic, social and environmental. These include helping to support growth, strong vibrant and healthy communities with accessible open spaces that reflect current and future needs, supporting communities’ health, social and cultural well-being and contributing to the protection and enhancement of the environment, including effective use of land and minimising waste and pollution.
- 6.5 Policy SC1 of the CS supports the improvement of existing community facilities, which the existing use falls within the definition of as it comprises a recreational/sports facility operated by the community/voluntary sector. This policy states that ‘Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.’ The pre-text to the open space, sport and recreation facilities policies (OS1, OS2 and OS3) recognises that such facilities are an essential part of sustainable communities, need to stand the test of time, be where people want to live, and enable people to meet their sporting and recreational aspirations and potential (paragraph 5.1.42). Where a proposal results in the loss of a sports facility CS policy OS3 sets out four principles to be taken into account. These are:
1. Clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;
 2. The loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community;
 3. The loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, useability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;
 4. The loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor.
- 6.6 Chapter 8 of the NPPF promotes healthy and safe communities. Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. In terms of open space and recreation it states that access to high quality facilities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 states that:
- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use
- 6.7 In addition to local and national planning policies the Sport England Policy on Planning Applications affecting playing fields E5 is relevant.
- 6.8 In terms of the principle of the replacement of grass pitches with an artificial turf to provide a full sized adult pitch and smaller pitches for junior games, training etc., it is considered that in accordance with Sport England’s advice and that of the Open Space Planning Officer the

improvement to the facility outweighs the loss of the existing. The benefits of a more durable, weather resistant surface are clearly expressed in the representations from Herefordshire Football Association, which includes a reduction in the cancellation/postponement of fixtures and the opportunity for increased useage for a range of teams. The latter including community groups and not just the current club (Pegasus Juniors) that occupies the site. To ensure that the community use is maintained, in the public interest and to accord with policy requirements, it is considered that Sport England's recommended conditions are reasonably related to the development proposed, necessary and enforceable in accordance with paragraph 55 of the NPPF. In principle the proposal accords with CS policies and paragraph 97 of the NPPF, along with Sport England Policy.

- 6.9 With regards matters of detail these are the highway impacts, the affect on neighbouring uses and drainage.

Highways

- 6.10 CS policy MT1 requires development to provide safe and suitable access, encourage active travel behaviour and demonstrate that the strategic and local highway network can absorb traffic impacts, amongst other considerations. At paragraph 108 of the NPPF similar requirements are set out and in addition it cautions, at paragraph 109, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.11 The proposal would retain both existing access and parking arrangements. The site is considered to be in a relatively sustainable location, where visitors have the opportunity to reach the facilities on foot, cycle or partly on public transport. There is existing secure cycle storage within the site. Moreover, the nature of the use, for team sports, gives rise to the increased potential for shared modes of transport. Although the proposal seeks permission for extended hours of use it would not increase the capacity of the use of the site at anyone time. That said, the artificial surface would facilitate both a greater number of days useage per year and increased hours per day. The increased number of days would not adversely impact on the road network, but the increased hours could give rise to more 'change over' periods between sessions of use, resulting in potential conflict between those leaving the site and those arriving. It is considered that this would not result in a 'severe' impact and in light of the Transportation Manager's response it is considered that the scheme would not lead to harmful highway impacts and as such accords with policy requirements. The requirement for a Travel Plan to promote active travel patterns and minimise potential conflict at change over times is considered to proportionately address any arising impacts and can be reasonably controlled by condition.

Impact on neighbouring uses

- 6.12 The potential impacts on neighbours result from noise, lighting and comings and goings. CS policy SD1 requires developments to safeguard residential amenity and ensure they do not contribute to adverse impacts arising from noise or light contamination. Paragraph 127f) of the NPPF states that developments should create places that have a high standard of amenity for existing users.
- 6.13 With regards noise impact, firstly it must be borne in mind that the lawful use of the site is for sports pitches and this generates noise. Secondly, the proposed use would not increase the number of users of the facility at any one time. Thirdly, there is an existing tannoy system in place, which is a requirement for competitive league matches. As a consequence, the application must be assessed in this context, whilst accepting that the improved durability of the playing surface would lead to increased duration of use. The Design and Access Statement advises that during the winter the need to protect the playing surface means that it is used for up to three evenings per week. As proposed the use would be for every day. The requested hours are 9am until 10pm, with floodlighting facilitating this when required. The Design and

Access Statement advises that Pegasus Juniors will implement a community use management plans to ensure the correct operation of the premises. It states that this would include day to day management, booking procedures, on site car parking for the community use and local resident communications. In addition a Noise Management Plan with procedures to minimise potential noise impact on local residents is proffered by the applicant.

- 6.14 A Noise Assessment has been submitted and the Environmental Health Manager accepts its findings. Subject to the requirement for Noise and Community Use Management Plans to be approved prior to first use and implemented when the 3G pitch is in use, along with a restriction on amplified music there is no objection with regards noise.
- 6.15 Turning to the impact of the replacement floodlighting, the agent has advised that the nearest residential properties lie on the opposite side of the busy A4103, which itself has street lighting. The proposed lighting would reduce to 1 lux within the road. The existing floodlighting is permitted to be switched on until 10pm (Reference: CE2002/3404/F – condition 4). The Environmental Health Manager has no objection to this, subject to a condition restricting hours of use.
- 6.16 The agent has suggested a condition to allow them to exceed a switch off of the floodlighting at 10pm, on no more than 10 occasions per year and subject to the Local Planning Authority being notified of this 48 hours in advance. It is stated that this may be necessary when matches run into both extra time and penalties for all players, but acknowledges that this is rarely likely to occur. It is considered that such a condition would not serve a useful planning purpose, as it effectively wishes to give prior notice of a breach of condition.
- 6.17 Lastly, whilst the increased use in terms of days per year and hours per day would result in more comings and goings, the vehicular access serving the site is off Old School Lane, where the predominant use is industrial. Any increased traffic near to the residential neighbours would be along the 'A' classified road and would not be so discernible as to represent harm to their living conditions.
- 6.18 To conclude on this issue, it is considered that the proposal would not adversely impinge upon existing residential amenity and remains a compatible use alongside industrial uses. The scheme accords with CS policy SD1 and the NPPF.

Drainage

- 6.19 The proposal would not result in any additional foul water and surface water was originally stated to be to the mains. CS policy SD3 requires developments to include appropriate sustainable drainage systems to manage surface water and states that they should not increase runoff. Welsh Water has advised that a surface water connection is not permissible at this time, even if there is an existing connection for land drainage. It is noted, however that condition 19 of planning permission CE2002/3404/F prevented a connection for surface water. As a new development there is no requirement for Welsh Water to permit a connection and they have recommended a condition preventing this. To accord with CS policies SD3 and SD4 it must be demonstrated that a sustainable system of surface water drainage is achieved, without increased runoff or contamination, such that it would undermine the achievement of water quality targets for rivers within the county. The Ecologist confirms this position, but reference to vehicles, roadways and drives is misplaced as they exist. The agent has now advised that the existing surface water drainage is to the highway drain, but again there is no requirement for this to continue for the new development proposed. If such a request were made it would be considered in light of the existing installation and consideration of the existing and future runoff. In these circumstances the agent has agreed to a pre-commencement condition requiring surface water drainage details to be submitted to and approved in writing before any other development takes place. This would provide proportionate control and enable a Habitat

Regulations Assessment – Appropriate Assessment to be undertaken before development begins.

Other matters

- 6.20 The City Council has raised objection to the proposal on the grounds that the surfacing material may be unsafe for users, due to its potentially contaminated nature. The agent has provided further information, which states that the installation of the recycled rubber tyre material (SBR) is subject to a procedure of testing in accordance with all relevant standards and requirements, prior to being deposited on site. The agent has recommended a condition is imposed to ensure compliance, and whilst there may be a degree of duplication with other legislation in doing so, to ensure the well-being of users of the proposed facility it is considered to be reasonable and relevant.
- 6.21 The site lies partly in the Health and Safety Executive (HSE) inner, middle and outer consultation zones. Planning Authorities should consult HSE under the Town and Country Planning (Development Management Procedure)(England) Order 2015 on certain developments where they meet one of the specified criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline. The only potentially relevant criterion is where the development would result in *'a material increase in the number of persons working within or visiting the notified area'*. Where the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility at anyone time, then HSE consultation is not required. The resurfacing of the existing pitch would not increase the number of participants/spectators at any one time.
- 6.22 There is a current application for the provision of a 3G pitch at the County Ground, Hereford (reference 182950), which is also before Committee for determination. As confirmed by the Open Space Planning Officer and endorsed by the representations from the Herefordshire FA, there is a demand for two additional facilities in Hereford City, as calculated from the number of registered football teams within the County. On this basis, one scheme would not prejudice the other.

Conclusion

- 6.23 The proposal represents an enhancement to the useability of the pitches, both in terms of duration and range of users. This is a positive social gain and weighs in favour of the scheme. It is located where users would have a choice on how they travel to the site and there would be no adverse impacts on neighbouring uses. Subject to a satisfactory surface water drainage scheme there would be no adverse environmental impacts. When considered against the CS as a whole and taking into account other material considerations, namely the NPPF and the Sport England Policy on Planning Applications affecting playing fields E5, the proposal is considered to be sustainable development that accords with the Development Plan. In the absence of any material planning considerations that indicate a decision being made other than in accordance with the Development Plan, as per the statutory duty, paragraph 11c) of the NPPF and CS policy SS1 it is recommended that permission is granted, subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials**

3. Use of the development shall not commence until:
- a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,
 - b) Confirmation that the facility has been registered on the Football Association’s register of Football Pitches

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policy OS3 of the Herefordshire Local Plan – Core Strategy.

4. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policy OS3 of the Herefordshire Local Plan – Core Strategy.

5. Prior to the commencement of any construction work details of the type of infill materials to be installed into the 3G artificial grass pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork / vegetable) shall be submitted to and approved in writing by the local planning authority. The approved surface shall be implemented prior to first use of the pitch and no other alternative surface shall be used without prior written consent of the local planning authority.

Reason: To ensure that the surfacing of the pitch would comply with industry guidance that her considered the findings of Registration, Evaluation, Authorisation and Restriction of Chemicals and so as to ensure a safe environment for users of the facility in accordance with Herefordshire Local Plan – Core Strategy policy SD1 and there requirements of the National Planning Policy Framework.

6. 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, ensure no pollution of or detriment to the environment and so as to comply with policies SD3 of the Herefordshire Local Plan – Core Strategy and the requirements of the National Planning Policy Framework.

7. The use of the 3G pitch and associated floodlighting hereby approved shall be restricted to between the hours of 9.00am and 10.00pm.

Reason: To minimise the impact of the floodlights and protect the residential amenities of nearby dwellings in accordance with policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and requirements of the National Planning Policy Framework.

8. All fencing and enclosures included on the approved drawings shall be erected prior to the first use of the 3G pitch and shall thereafter be retained or replaced with fencing/enclosures of the same height, unless alternative details have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of public safety and residential amenity and so as to accord with policy SD1 of the Herefordshire Local Plan – Core Strategy and requirements of the National Planning Policy Framework.

9. Prior to the first use of the development hereby approved a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy

10. Prior to the first use of the 3G pitch hereby permitted a Community Use Management Plan and a Noise Management Plan shall be submitted and approved in writing by the local authority. This will incorporate issues set out in para 4.8.2 of the applicant's Design and Access statement and shall include a prohibition of the use of amplified music at the site. The use of the 3G pitch shall operate in accordance with the approved Plans.

Reason: To ensure that residential amenity is safeguarded and so as to accord with policies SS6 and SD1 of the Herefordshire Local Plan – Core Strategy and requirements of the National Planning Policy Framework.

11. No development shall take place until details of the proposed surface water drainage arrangements have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first use of the 3G pitch hereby permitted.

Reason: In order to ensure that satisfactory drainage arrangements are provided and enable the local planning authority to carry out a Habitat Regulations Assessment – Appropriate Assessment and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

1. **IP1 - Application Approved Without Amendment**
2. **I05 - No drainage to discharge to highway**
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
3. **I11 - Mud on highway**
It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
4. **I35 - Highways Design Guide and Specification**
The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.
5. **I45 - Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**
6. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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.
7. Under the Traffic Management Act 2004, Herefordshire Council operate a notice scheme to co-ordinate Streetworks. Early discussions with the Highways Services 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 Highway Service can be contacted on Tel. 01432 845900
8. **Notes re: conditions 3 and 4**
The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.

Guidance on preparing Community Use Agreements is available from Sport England at:

<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

9. **Welsh Water 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

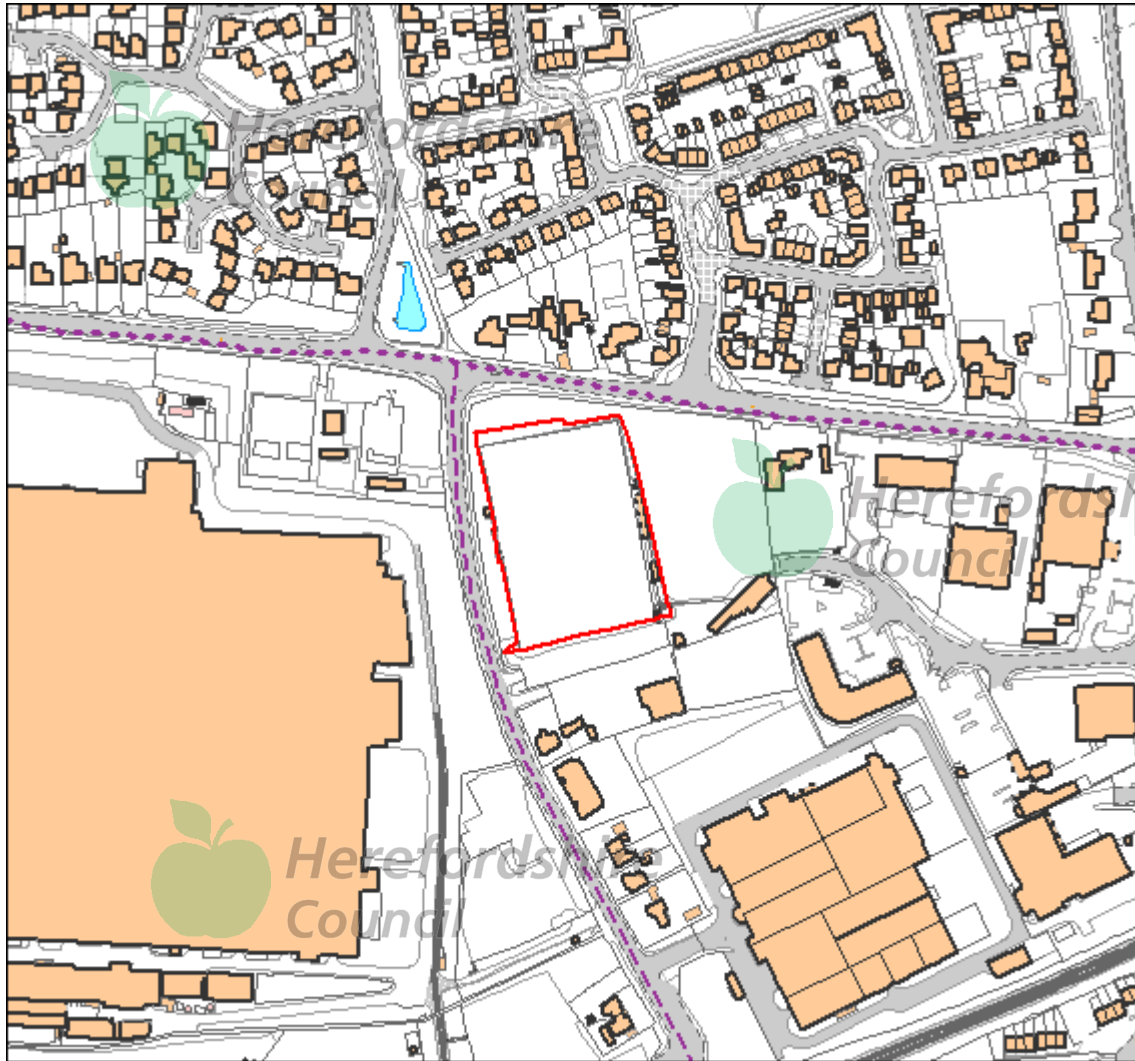
The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times

Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182893

SITE ADDRESS : SPORTS GROUND AND CLUB ROOM, OLD SCHOOL LANE, HEREFORD,
HEREFORDSHIRE, HR1 1EX

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Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	18 DECEMBER 2018
TITLE OF REPORT:	182950 - CONSTRUCTION OF AN EXTERNAL 3G ARTIFICIAL TURF PITCH (ATP) WITH FENCING AND A STORAGE CONTAINER AT TED POWELL BUILDING, THE COUNTY GROUND, HEREFORD, HEREFORDSHIRE, HR4 9NA For: Mr Chance per Mr Nick McLaren, 1a Perth House, Corbygate Business Park, Corby, NN17 5JG
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=182950&search=182950
Reason Application submitted to Committee - – Staff Member Interest	

Date Received: 7 August 2018

Ward: Widemarsh

Grid Ref: 350709,240855

Expiry Date: 21 December 2018

Local Members: Councillor PA Andrews

1. Site Description and Proposal

- 1.1 The site lies to the north of Hereford City and adjacent to Widemarsh Common. It is within the Widemarsh Common Conservation Area and Flood Zones 2 and 3. Presently the site comprises a full size competitive standard grassed football pitch with associated fencing, floodlighting and car parking and the Herefordshire FA's headquarters. To the northwest of the site lies the rear elevation of the Lads Club building, which fronts Widemarsh Common and a pair of semi-detached dwellings, known as North View and South View. Adjoining to the north is a hard surfaced car park and building and to the east, beyond the disused railway line which is a Site for Importance for Nature Conservation (SINC) and a potentially contaminated land use, lie dwellings and commercial properties along the western side of Millbrook Street and within Chester Close. Moor Walk, a public right of way and cycleway linking the area to the city centre, adjoins to the southwest beyond the application site boundary, which is denoted with fencing and mature planting. Beyond to the southwest lies Moor House Playing Fields, Moor House (Grade II listed building) and Westfields Football Club grounds.
- 1.2 It is proposed to construct an external 3G artificial turf pitch (ATP) on the siting of the existing grass pitch, which is aligned northeast to southwest. This would accommodate a 11 v 11 football pitch (sized 106m x 70m) and a variety of youth football pitches, mini soccer pitches and training areas. The existing dug outs, spectator fencing and floodlighting would be replaced and the existing spectator stand would remain. The scheme includes the provision of fencing around the pitch (including 8m high ball stop fencing to the goal ends (replacing existing netting) and 4.5m high fencing to boundaries to replace existing – dark green polyester powder coated), spectator viewing and a storage container (height of 2.59m) to be sited within the fenced area.

Further information on the subject of this report is available from Mrs Charlotte Atkins on 01432 260536

Existing floodlighting would be retained. The existing associated car parking area adjoining the pavilion would continue to serve the existing and proposed facilities. This has been confirmed to provide 63 car parking spaces.

- 1.3 The application has been supported by a Flood Risk Assessment, Design and Access Statement, information about the surfacing materials (rubber crumb) used and a Noise Assessment.
- 1.4 It is stated that the hours of use would be 9am to 10pm every day (weekdays and weekends), including Bank Holidays.

2. Policies

- 2.1 The Herefordshire Local Plan 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

SS1	-	Presumption in Favour of Sustainable Development
SS4	-	Movement and transportation
SS6	-	Environmental quality and local distinctiveness
SS7	-	Addressing climate change
HD1	-	Hereford
HD3	-	Hereford movement
SC1	-	Social and community facilities
OS1	-	Requirement for open space, sports and recreation facilities
OS2	-	Meeting open space, sports and recreation needs
OS3	-	Loss of open space, sports and recreation facilities
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
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 2018 (NPPF)

Chapter 1	-	Introduction
Chapter 2	-	Achieving Sustainable Development
Chapter 4	-	Decision-making
Chapter 6	-	Building a strong, competitive economy
Chapter 8	-	Promoting healthy and safe communities
Chapter 9	-	Promoting sustainable transport
Chapter 11	-	Making efficient use of land
Chapter 12	-	Achieving well-designed places
Chapter 14	-	Meeting the challenge of climate change, flooding and coastal change
Chapter 15	-	Conserving and enhancing the natural environment
Annex 1	-	Implementation
Annex 2	-	Glossary

- 2.3 National Planning Policy Guidance (NPPG)

- 2.4 Hereford Area Plan - is at drafting stage and for planning application decision making it cannot be afforded any weight.

3. Planning History

- 3.1 160232/F - Proposed 100 person seated stand. A one metre wide concrete walk way all around football pitch. One pay box building. Six floodlights and netting behind goal and on railway side – approved 20.4.2016

4. Consultation Summary

Statutory Consultations

4.1 Highways England

Recommend that planning permission not be granted for a specified period (see Annex A – further assessment required)

The development site is that of an existing grass sports pitch which is stated as being in use by Westfield Football Club and is located to the south of the A49 Trunk Road at Widemarsh Common in Hereford.

The status of the road which provides access to the site varies. A section of the road is understood to be part of the local cycle network and publicly maintained by Herefordshire Council, while the connection to Priory Place appears to be a private street.

The application proposes the replacement of the existing grass sports pitch with an Artificial Grass Pitch (AGP) with associated facilities and infrastructure, including ball-stop fencing.

It is stated that the AGP will utilise the existing system of floodlighting and that the development will allow an increase in use in comparison with the current grass pitch.

No relevant background information appears to be available for the application site, however, a concurrent planning application (Herefordshire Council reference P182431/F) for the development of the former Sportsman Public House site, situated between the proposed AGP and the A49 Trunk Road, may be relevant in terms of vehicular access proposals.

Paragraph 3.10 of the submitted Design and Access Statement with Planning Statement identifies the use of the “established vehicular entrance” which is not defined on the submitted drawings and is somewhat vague in terms of the local road network. A review of Google Street View (April 2015) shows a locked barrier within the access road to the northeast of the site at the approximate boundary of the former Sportsman Public House, a site which is the subject of a concurrent planning application for residential development and includes the closure of the direct access to the A49 Trunk Road.

The alternative vehicular access is to the northwest of the site via Chave Court Close which connects with the A49 at the Priory Place/Holmer Road/Newtown Road roundabout. The currently submitted information and drawings do not contain any information concerning the rights of access/use of the road given its status as a private street.

The image on page 5 of the submitted Site Photographs identifies the temporary use of the section of road to the northeast of the site and the current direct access to the A49 Trunk Road (Newtown Road) for construction traffic. This is not considered to be appropriate due to the geometry of the road and junction which has previously been identified as being unsuitable for vehicular access to serve development. The direct access has sub-standard visibility onto the A49 and insufficient width to allow the two-way flow of traffic and its permanent closure forms part of the adjacent site redevelopment proposals under planning application P182431/F. This development also proposes improvements to Widemarsh Common Road through the construction of passing bays.

We conclude that the proposed development may be acceptable subject to the access route to the northeast of the site and associated direct access to the A49 Trunk Road being strictly controlled and not being available for use either by construction traffic or upon completion of the AGP.

At present, the extent of the applicant's ownership, control or rights of access/use in terms of the current vehicular access routes are not clear from the submitted information and drawings and are considered to require clarification.

The vehicular access concerns may be resolved by the determination of planning application P182431/F (former Sportsman Public House site) which proposes the permanent closure of the direct vehicular access to the A49 Trunk Road and provision of passing bays to Widemarsh Common Road. At present, however, there is no certainty that this development will be permitted and the closure of the direct access to the A49 Trunk Road secured. The potential for the additional traffic associated with the construction and use of the AGP to utilise the substandard direct access from the A49 Trunk Road is, therefore, of concern in terms of highway safety.

Further information concerning the Applicant's legal rights of access/use of the roads should also be provided, with specific reference to the permanent closure of the direct access to the A49 Trunk Road proposed under planning application P182431/F.

The above comments are considered to be appropriate and in accordance with the Department for Transport Circular 02/2013.

Following the above comments, it is recommended that this application is not determined for a period of up to three months, in order that the applicant may have time to submit the further supporting information required.

4.2 Highways England – comments on additional information

Recommend that conditions should be attached to any planning permission that may be granted (see Annex A – highways England recommended Planning Conditions)

It is worth noting that Highways England has previously reviewed this application with our most recent comments provided in October 2018.

In October 2018, Highways England undertook an initial review of this application in which concerns were raised related to the use of the access road and direct access to the A49 Trunk Road to the northeast of the site adjacent to the former Sportsman Public House Site. A Holding recommendation was issued that would allow for additional information to be submitted by the applicant in support of the planning application.

In November 2018, additional information in the form of an Email correspondence dated 19 October 2018 and a "Hereford FA Artificial Turf Pitch Highways" (Drawing No. 07) were submitted and then reviewed by Highways England.

From Highways England's review of the submitted information it was determined that proposed development is acceptable, subject to an appropriately worded planning condition that appropriately prevent the use of the access route and direct access to the A49 Trunk Road to the northeast of the site by construction traffic and upon completion of the development.

Therefore, in light of the above comments, it is recommended that the following planning condition be applied to any planning consent which may be granted:

Condition:

The means of vehicular access to the development hereby permitted shall only be as defined within "Hereford FA Artificial Turf Pitch Highways" (Drawing No. 07) for the full period of construction and when completed/operational.

Reason:

In order to ensure the safety of users on the A49 and enable it to continue to be effective part of the Strategic Road Network in accordance with Section 10 (2) of Highways Act 1980.

4.3 Sport England

Sport England - Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

www.sportengland.org/playingfieldspolicy

The Proposal and Impact on Playing Field

This application seeks planning consent for the development of a 3G Artificial Grass Pitch (AGP) on an existing stadia grass pitch used for football by Westfields Football Club. The existing grass pitch is floodlit and surrounded by a spectator fence. The floodlighting would be retained. The proposed development involves the provision of a pitch to accommodate a full size adult pitch of 106m x 70m including run-off, and a variety of youth and mini football pitches and training areas over-marked to maximise its potential use across all age ranges. There would be new 8m high ball stop fencing to the end goal areas to replace existing netting, new 4.5 metre high ball stop fencing around the perimeter of the AGP to replace existing fencing, a new 1.2 metre high spectator barrier to replace the existing fence around the edge of the pitch, new hard standing areas for pedestrian access, goals storage, spectator viewing etc, and a new maintenance equipment store.

The existing site also contains a pavilion building to the north and an additional floodlit stadia grass pitch to the west, which also includes spectator facilities which would remain. An associated car parking area adjoining the pavilion would continue to serve the existing and proposed facilities.

Assessment against Sport England Policy

This application relates to the provision of a new indoor/outdoor sports facility or facilities on the existing playing field at the above site. It therefore needs to be considered against exception 5 of the above policy, which states:

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception 5.

Sport England will assess the potential benefit of the new or extended sports facility by taking into account a number of considerations. As a guide, these may include whether the facility:

- meets an identified local or strategic need e.g. as set out in a local authority or NGB strategy (rather than duplicating existing provision);
- fully secures sport related benefits for the local community;
- helps to meet identified sports development priorities;
- complies with relevant Sport England and NGB design guidance;
- improves the delivery of sport and physical education on school sites; and
- is accessible by alternative transport modes to the car.

Proposals will also need to demonstrate that the loss of any area of playing field will not have an unacceptable impact on the current and potential playing pitch provision on the site. For example, it is unlikely that a loss would be acceptable if:

- it would result in the main user (e.g. a school or a club) being unable to meet their own minimum requirements for playing pitches (the Department for Education provide area guidelines for playing fields at existing schools and academies).
- other users would be displaced without equivalent replacement provision;
- it would materially reduce the capability and flexibility of the playing field to provide for a range of sports and natural grass playing pitches; or the area of playing field is significant in meeting local or strategic needs.

The Design and Access statement explains that the proposal has been developed by Hereford FA to meet an identified need for 3G pitches in Hereford. The intention is that proposed 3G pitch will not only provide home ground facilities for the existing club to play and train, but will also provide wider community access for other football clubs, partner organisations and community groups in the local area to use the pitch during evenings and weekends. The intended hours of use until 10pm are proposed to maximise the usage of the pitch for the development of sport to deliver up to 85 hours per week of use. This then will significantly improve the quantity of use of the pitch compared to the existing grass pitch which is restricted in practical terms by the wear and tear that takes place when using a grass pitch. The provision of the AGP will also have indirect benefits on existing grass pitches in the area, by allowing training/matchplay to be transferred onto the AGP thereby reducing overplay of existing grass pitches, and minimising the risk of fixtures being cancelled due to unplayable pitch conditions.

Sport England also notes the contents of the Design and Access Statement which explains that the proposal will allow for a range of pitch sizes to be provided on the same surface to maximise the benefits of the AGP for all age ranges, and that this will then maximise the opportunities for developing football programmes at the site as well as supporting matchplay and training activities.

A planning application has also been submitted for a 2nd AGP at Pegasus Juniors FC site at Old School Lane, for which I have commented separately. Both sites are located within the north of Hereford and so would be likely to serve a similar catchment. Sport England is aware that the Council have been working with Hereford FA for several years following the completion of the Playing Pitch Strategy in 2012 to identify suitable sites for 3G pitch investment to meet identified local needs. Both of these pitches are required and so should not be seen as alternatives for investment.

Sport England have consulted the Football Foundation who have commented as follows:

Football Foundation Comments

- The pitch is being delivered through the FF/FA 3G Pitch Framework, and therefore the proposed specification is in line with The FA and Ground Grading requirements.
- Although Herefordshire does not have a current or up to date Playing Pitch Strategy. Herefordshire Council produced a Sports Investment Strategy in 2012 which has continued to be updated and refreshed biannually. This document specifically identified the need for a further 2 full size 3G pitches in Hereford, in addition to the existing (and recently refurbished) 3G pitch at Hereford Academy. The Pegasus FC site was identified as a potential location for delivery, along with a pitch at either Herefordshire FA (County Ground) or Hereford Leisure Centre. The demand for 3G pitches in the county is unquestionable, as only one pitch is currently available (Hereford Academy) and on the FA Pitch Register. Based on the number of affiliated teams in the county (circa 250, 2018/19) and using the FA ration of 1 pitch for every 42 teams, at least another 5 pitches are required to be provided in the county to meet current demand.
- The applicant will be making an application to the Football Foundation for funding towards this project, and has been prioritised for investment, and as such will be required to provide guaranteed community access to the facility as part of the submission. Any grant award will be subject to an agreed business plan, programme of use and site development plan.
- The Football Foundation, on behalf of The FA, is fully supportive of this project and it has been prioritised to receive Football Foundation investment. The project should be subject to the following conditions:
 - Construction Quality - The pitch is constructed and maintained to FIFA Quality Concept for Football Turf – FIFA Quality
 - Testing - The 3G pitch is tested and subsequently FA registered (on completion and then every three years for grassroots football and every 1 year for football in the National League System). This will enable the 3G to be used for league matches and therefore help the 3G pitch to be used to its maximum potential by programming matches at peak times.
 - Pricing - Pricing policies must be affordable grass roots football clubs and should be agreed with the local County Football Association. This should include match-rate at weekends equivalent to the Local Authorities price for natural turf pitches.
 - Sinking fund - Ensure that a sinking fund (formed by periodically setting aside money over time to cover the resurface and replacement life-cycle costs) is in place to maintain 3G pitch quality in the long term. The Football Foundation recommend £25K per annum.

Sport England notes the comments made and concurs that the proposed development accords with known priorities for development of 3G pitches in Hereford. It is understood that whilst it is likely that the club will receive investment from the Football Foundation, with some match funding to be provided by Hereford FA, there is likely to be a funding shortfall to deliver this pitch, and that there are section 106 funds that have been earmarked to support the delivery of this development.

Sport England notes that the site is located in flood zone 3 and as such is at high risk of fluvial flooding. Whilst this is not ideal, it is not considered that this warrants objection from Sport England's perspective, nonetheless it is important that the applicant makes appropriate provision for suitable insurance to cover the cost of replacing the artificial surface, since a

flooding event would be likely to result in damage to the surface resulting in the need to replace it.

In order to ensure that the design and specification of the pitch is completed to the required standard to meet the above requirements and be fit for purpose it is recommended that the following planning condition be imposed:

Condition 1

Use of the development shall not commence until :

- a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,
- b) Confirmation that the facility has been registered on the Football Association's register of Football Pitches

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

REASON : To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policies ** of the Development Plan.

INFORMATIVE : The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.

In order to secure an appropriate arrangement of community use in accordance with the proposals set out in the Design and Access Statement to meet local needs (including a pricing policy that is affordable to local teams, maximises the available hours of community use, and puts in place appropriate arrangements for management and maintenance), and to justify the loss of the grass pitch under exception E5 it is recommended that a community use agreement is secured by condition as follows:

Condition 2

Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.

REASON : To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policies ** of the Development Plan.

INFORMATIVE: Guidance on preparing Community Use Agreements is available from Sport England at : <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception 5 of the above policy. The absence of an

objection is subject to the above condition(s) being attached to the decision notice should the local planning authority be minded to approve the application.

Should the condition/s recommended above not be imposed on any planning consent, Sport England would consider the proposal to not meet exception 5 of our playing fields policy, and we would therefore object to this application.

If you wish to amend the wording of the recommended condition(s), or use another mechanism in lieu of the condition(s), please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

4.4 Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES
As submitted, the application could have potential significant effects on River Wye Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Habitats Regulations Assessment
- The majority of artificial grass football surfaces are filled with particulate materials. These are normally either granulated rubber polymers or mixes of rubber and sand. The rubber granules are produced from recycled tyres (source The FA Guide to Artificial Grass Pitches). The composition of tyres can contain toxic materials. We require clarification on the amount and type of rubber crumb infill material being used, as well as the potential amount to be lost into the wider environment through normal use.
- Clarification on the method of surface water disposal. We note from the Design and Access statement that the proposed option is a soakaway system pending further tests. We require clarification on the final method of surface water disposal. We advise that proposed drainage solutions should take into consideration potential water quality and water quantity implications to the nearby Widemarsh Brook (Tributary of the River Wye Special Area of Conservation).
- The application site is within Flood Zone 3 therefore we require clarification of the measures that will be put in place to prevent rubber infill particles mentioned above and other pollutants entering the Widemarsh Brook in the event of flooding.

Without this information, Natural England may need to object to the proposal.
Please re-consult Natural England once this information has been obtained

Notwithstanding the above, your authority should be aware of a Ruling made recently by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta. Read the case (ref: C-323/17).

The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. Competent

authorities currently making HRAs should be mindful of this case and should seek their own legal advice on any implications of this recent ruling for their decisions.

Natural England's advice on other issues is set out below

Internationally designated site

The application site is within the catchment of the River Wye Special Area of Conservation (SAC) a European designated site (also commonly referred to as Natura 2000 sites), and the River Wye Site of Special Scientific Interest (SSSI) and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Due to the nature of the proposal and the potential pathways to the protected designated sites, we advise that you undertake a Habitats Regulation Screening assessment and consider whether there is a likely significant effect either alone or in combination.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Other advice

Further general advice on the protected species and other natural environment issues is provided at Annex A.

4.5 Natural England – HRA AA response

NO OBJECTION

Based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

Internationally and nationally designated sites

The application site is within the catchment of the River Wye which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Wye Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest. Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

European site - River Wye SAC - No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, we agree with the thought process demonstrated to reach the assessment conclusions. Providing that all mitigation measures proposed are appropriately secured in any permission given. Natural England concurs that there should be no adverse effects on the integrity as a result of the above proposal. This should include suitable design solutions to address potential water quality impacts through well designed and maintained SuDs, in accordance with CIRIA SuDS Manual (2015) C753 guidance.

River Wye SSSI - No objection

Based on the plans submitted. Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A in our previous response dated 08 October 2018 ref 258173.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Internal Council Consultations

4.6 Conservation Manager (Landscape)

No objection

4.7 Conservation Manager (Historic Buildings)

Recommendation:

There is no heritage objection to the proposed scheme.

Background:

The proposed site is situated within 200m of the Grade II listed Moor House, and is part of the Widemarsh Common Conservation Area.

Comments:

With the existence of a football facility on this site already it is considered the impact of the upgrade works would not be substantial given the degree of screening provided by mature tree planting between the site and Moor House; and although the enhanced fencing will have some visual impact on its setting, the design and colour specified should minimise its presence.

Impact on the setting of a listed building also includes experiential aspects such as noise and light pollution; and whilst the site is currently used for football, consideration should be given to the potential increase in noise and activity when determining this application; planning conditions may be the best way to minimise the impact of these elements.

4.8 Conservation Manager (Ecology)

Subject to formal approval of the Habitat Regulation Assessment – Appropriate Assessment submitted to Natural England the following conditions are suggested to ensure the relevant and appropriate mitigation is secured.

Habitat Regulations (River Wye SAC) – Surface Water

Prior to commencement of any works approved under this decision notice a fully detailed surface water management and Sustainable Drainage Scheme (SuDS) shall be supplied and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

Habitat Regulations (River Wye SAC) – Materials

Prior to the commencement of any construction works approved under this decision notice details of the type of infill materials to be installed into the 3G artificial pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork/vegetable) shall be submitted to and be approved in writing by the local planning authority. The approved surface shall be implemented prior to the first use of the pitch and no other alternative surface shall be used at any time without the prior written consent of the local planning authority.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD1-3 and to ensure that the surfacing of the pitch would comply with the industry guidance that has considered the findings of Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

4.9 Conservation Manager (Trees)

Further information required

After conducting a site visit and viewing the plans there is a little more information I require.

The two silver birch trees which are closet to the North western boundary will be within 1.5-2.5m of the edge of the pitch. To date I don't think there are any details available which detailed whether excavation is needed to install the hardstanding. If this is the case then the roots of these two trees in particular will be compromised.

The 4.5m perimeter fence will also require pits so that it can be secured, I would like to know at what depths and intervals these will need to be as there is also threat of damage to tree roots in these places, particularly along the north west boundary.

4.10 Conservation Manager (Trees) – further information

We will need a tree protection plan and tree method statement which can be submitted as a pre-commencement condition.

Protection during Construction

Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and

thereafter implemented in accordance with the approved details for the duration of the construction phase.

Reason - To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

Method Statement

Prior to the commencement of any works a method statement for trees in the north western corner of the proposed pitch or where no dig has been specified, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.

Reason - To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

No trees have been identified for removal in the plans submitted to date. The site is within the Widemarsh Common conservation area, therefore any tree works or felling will require a separate notification submitted to the LPA prior to commencement.

4.11 Public Rights of Way Manager

No objection.

4.12 Open Spaces Planning Officer

Open Space and Outdoor Sport Facilities.

Proposal: This application seeks planning consent for the development of a 3G Artificial Grass Pitch (AGP) on an existing stadia grass pitch (floodlit) used for football by WestfieldsFC at the county ground, Widemarsh Common. It will result in the loss of a usable grassed playing pitch.

The proposed 3G ATP is full size (senior), 106m x 70m including run-offs. It will have a variety of youth and mini football pitches and training areas over-marked to maximise its potential use across all age ranges.

The existing dug outs, spectator fencing and floodlighting would be replaced and the existing spectator stand would remain.

The Design and Access statement confirms that the pitch is being delivered through the Football Foundation (FF) 3G Pitch Framework, and the proposed specification is in line with the FF and Ground Grading requirements.

My comments relate only to the requirement for such a facility in meeting both national and local planning policies including that of Sport England. All other considerations such as access, transport, landscape, conservation etc. will be dealt with by the Planning Officer.

Planning Policy: The following policies will apply.

- NPPF: paragraphs 96 -97:
 - Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the development is for

alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development
- Core Strategy policy SS1: presumption in favour of sustainable development. Supports proposals which improve social, economic and environmental conditions in the county taking into account any adverse impacts in granting permission which would significantly and demonstrably outweigh the benefits.
- Core Strategy Policy OS3: Loss of Open Space, Sport or Recreation facilities. The loss of sports facilities results in an equally beneficial replacement for the local community.
- Sport England Policy on Planning Applications affecting playing fields E5: the proposed development is for an outdoor facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing fields.

Assessment of need: The Hereford Playing Pitch Assessment 2012 and the Outdoor Sports Investment Plan 2017 provide the evidence base as required by the NPPF and Core Strategy Policy OS3. The Outdoor Sports Investment Plan is overseen by a partnership of Herefordshire Council, Sport England, County Sports Partnership and the National Governing Bodies for football, cricket, hockey and rugby and it is by this mechanism that data, priorities and need are kept up to date. Sport England supports this approach.

Evidence in these documents shows that there is deficit of football facilities for training (senior and junior) and dedicated junior football pitches in Hereford. As such the Outdoor Sports Investment Plan 2017 contains a number of projects to address deficiencies including the provision of 2 x 3G AGPs in Hereford in recognition that AGPs are more sustainable than grass pitches and are beneficial to growing the sport. This is underpinned by work undertaken by the Football Foundation to establish how many (AGPs) would be required in the county in addition to those already in place to accommodate the deficiencies identified for football. This concluded that an additional 2 x AGPs are needed and can be sustained in Hereford City.

This work also established that the most sustainable solution to benefit the local clubs will be to locate the 2 new facilities north of the river given the catchment areas of the Hereford based clubs. The only existing 3G AGP is at the Hereford Academy (south of the river) and is used by clubs both south and north of the river. By freeing up space this will help to meet unmet demand south of the river.

3Gs provide greater use to the benefit of the sport in meeting identified deficiencies. The Design and Access statement explains that the proposal will allow for a range of pitch sizes to be provided on the same surface to maximise the benefits of the AGP for all age ranges, and that this will then maximise the opportunities for developing football programmes at the site as well as supporting match-play and training activities. The intended hours of use until 10pm are proposed to maximise the usage of the pitch for the development of sport to deliver up to 85 hours per week of use. This then will significantly improve the quantity of use of the pitch compared to the existing grass pitch which is restricted in practical terms by the wear and tear that takes place when using a grass pitch. The provision of the AGP will also have indirect benefits on existing grass pitches in the area, by allowing training/match play to be transferred onto the AGP thereby reducing overplay of existing grass pitches, and minimising the risk of fixtures being cancelled due to unplayable pitch conditions. This accords with Sport England's, exception E5 as described above.

In accordance with the NPPF and Core Strategy policy SS1, the provision of a 3G AGP at the County Ground, Widemarsh Common will be sustainable, deliverable and manageable. Finding a suitable location has proved to be difficult. In order to deliver effective management arrangements the proposal will be located on an established site. Other sites have been considered including Aylestone School and the Hereford Leisure Centre. Aylestone School was not acceptable in planning terms and the Leisure Centre provides the only artificial turf pitch suitable for hockey (sand based) in this part of the county. This surface is not suitable for football.

The site is currently used by Westfields FC. In order to meet the policy requirements set out above, the proposed 3G will need to provide wider community access. The Design and Access statement explains that the intention is that the proposed 3G pitch will not only provide home ground facilities for the existing club to play and train, but will also provide wider community access for other football clubs, partner organisations and community groups in the local area to use the pitch during evenings and weekends. Both the Herefordshire Football Association (HFA) and the Football Foundation (FF) are supporting this proposal with grants and there is a requirement from both for the facility to be available to all members of the community from juniors through to veterans, male and female, disability groups etc, and for this to be demonstrated through a five year development plan and a five year business plan.

In order to meet the community use proposals set out in the Design and Access Statement it is recommended that a community use agreement is secured by condition. This is in accordance with Core Strategy policy OS3 and associated evidence bases and Sport England exception policy E5. This will ensure that an appropriate arrangement of community use (including a pricing policy that is affordable to local teams, maximises the available hours of community use, and puts in place appropriate arrangements for management and maintenance) is secured.

It is noted that there isn't a standard condition. Sport England has provided comments on this application in which they have helpfully included a non-standard condition.

4.13 Environmental Health Manager (Contamination)

I refer to the above application and would make the following comments in relation to contaminated land and human health issues.

Given what's proposed, I've no comments to make

4.14 Environmental Health Manager (Noise/lighting)

My comments are with regard to potential noise and nuisance issues that might arise from development.

This proposal is on an existing site used for football. A change of surface to an all weather pitch and new floodlighting is likely to lead to a significant intensification of use. There are neighbouring residential premises to the south east of the site

Noise

The applicant is requested to supply a noise assessment for the proposal which examines likely noise impacts on neighbours for an appropriate character correction to be included to reflect likely noise characteristics.

Please advise the applicant that we do not support the proposal for a condition which allows for a pre notified exemption condition for use of the site beyond 10.00pm in limited circumstances as suggested.

As we are of the opinion that this would not be workable in practice and would be inconsistent with floodlighting restrictions imposed on other sports facilities in the county also in residential areas. Our recommendation is likely to be that there is an automatic switch off of the floodlights at 22.00 hours Monday to Sunday.

Please note that are also likely to recommend a condition that there be a prohibition on noise amplification at the site.

4.15 Environmental Health Manager (Noise/lighting)

Noise Assessment response

My comments are with regard to potential noise and nuisance issues that might arise from development. Further to my response of 5th October our department is now in receipt of a Noise Impact Assessment.

The applicant has supplied predicted noise levels based on data gathered from the use of other Artificial Grass Pitches and supplied modelling maps which predict noise propagation from the site.

The initial noise modelling recommends a 3 meter high acoustic fence along the north eastern boundary of the pitch outside the line of perimeter fencing to provide noise attenuation to the rear gardens and ground floors of the houses immediately to the north east.

The predicted noise modelling shows that with this mitigation the highest predicted noise at the ground floor façade of the closest residential property is 47dB LAeq. It will be more at rear bedroom height and there is no comparison supplied against background noise levels. The predicted noise levels at ground floor are compared against World Health Organisation's guidelines for Community Noise which are 50dB LAeq outside. The shielding provided by the residential properties construction is such that with an open window a 10 to 15dB reduction can be anticipated such that internal noise levels at ground floor levels will be approximately 32dB which is below the BS8233 standard for noise in bedrooms and living rooms in the daytime. I conclude therefore that from the proposed Artificial Grass Pitch may be audible in the gardens and inside the bedrooms in the evening, although not at night time however it is very unlikely to be a Statutory Nuisance.

Should it be minded to grant permission I recommend the following conditions:

The provision of a 3 meter high acoustic fence of solid rigid material with a minimum density of 10 kg per m² along the north eastern boundary of the pitch as shown in Figure 6 of the noise report.

The use of the proposed Artificial Grass Pitch and associated floodlighting shall be restricted to the following hours:

Monday to Friday 09:00 to 22:00 hours Saturday and Sunday 09: to 22:00 hours.

Prior to the use of the site for sporting purposes a Community Use Management plan and a Noise Management Plan shall be submitted and approved in writing by the local authority. This will incorporate issues set out in para 4.8.2 of the applicant's Design and Access statement.

A prohibition of the use of amplified music at the site.

Reasons: In order to protect the amenity of occupiers of nearby properties so as to comply with Policies SS6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-31.

4.16 Transportation

I have now had the opportunity to review the information provided. Please see below my comments and recommendation.

- Highways England have provided comments in which they state that the proposal is acceptable subject to a condition which prohibits use of the access from the A49, the applicant has provided a plan (drawing no. 07) which demonstrates that this access will not be utilised.
- The applicant recognises that the proposals will result in an increase in usage and therefore there will be an intensification of the Chave Court Close access. A visibility splay of approx. 43m eastbound and 93m westbound is achieved from a setback of 2.4m, this is in keeping with the standards set out in MfS2 for a 30mph road. There are no proposed changes to the existing access arrangements.
- The applicant states that congestion in the parking area and on the local highway network will aim to be mitigated by ensuring fixtures/events do not overlap, by managing on-site traffic during events and by the promotion of car sharing, public transport and walking and cycling to the site, this should include the provision of a Travel Plan. There are bus stops on Priory Place and Newtown Road within 200m of the site, it is also stated that new cycle stands have recently been installed at the site.
- It is stated in the application form 75 car parking spaces are proposed which represents an increase of 12 spaces, the applicant has not provided a plan showing the location or design of these additional spaces which is required. The Herefordshire Design Guide Parking Standards state that for team games areas 1 car space is required per 2 team members. It is estimated that the maximum number of players utilising the ATP at any given time is 40, meaning 20 spaces are required according to the standards. The provision of 75 spaces is considered acceptable as it means that the on-site parking provision should be able to accommodate the max number of vehicles expected to be at the site at any given time, meaning overflow parking on nearby residential streets should be avoided.
- An assessment of 'crashmap' has demonstrated within the past five years no incidents have occurred near the site access. Also, only one 'serious' incident has occurred within the vicinity of the site and there are no obvious clusters of incidents which would suggest an underlying issue with the highway layout.
- The applicant has provided detail of the drainage strategy in the submitted Planning Statement. The applicant should ensure that no water discharges onto the highway.

Recommendation

This application is recommended for approval, subject to the following conditions.

CAL - Access, turning area and parking

The 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 MT1 of Herefordshire Core Strategy

CB3 - Travel plans

Prior to the commencement of the development a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first occupation of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy MT1 and SS4 of Herefordshire Core Strategy

I05 – No drainage to discharge to highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

I11 – Mud on highway

It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

I35 – Highways Design Guide and Specification

The applicant's attention is drawn to the requirement for design to conform to Herefordshire Council's 'Highways Design Guide for New Developments' and 'Highways Specification for New Developments'.

I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517), 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 Highways Services 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 Highway Service can be contacted on Tel. 01432 845900.

5. Representations

5.1 Hereford City Council

Hereford City Council Planning Committee objected to Planning Application 182950. Councillors are concerned that the materials used to create artificial pitches of this nature are hazardous to children. Several Councillors had done research into this area and were troubled by the

possibility of allowing potentially dangerous exposure to toxic materials. Can the applicant guarantee that their materials are not hazardous to the health of those who use their pitches? Please could Councillors also receive further information and reassurance that every measure has been taken to ensure maximum safety.

5.2 One objection from a local resident (Holmer Road) and two letters of support, one on behalf of Herefordshire FC, have been received. In summary, the main points raised are:

Objection:

- Traffic/parking issues – due to extended hours, along an unadopted road/public footpath, which is single track width for 90% of its length and limited parking provision
- Concerns re: highway safety for pedestrians and vehicles
- Indiscriminate parking when there are home games (at adjacent Westfields FC)
- Impact of constant, excessive artificial light from 6 sets of floodlights – only used about twice a week at present, not every night as proposed
- Existing lights are very bright and I object to increased use
- Noise and disturbance
- Loss of grass
- Impact on Conservation Area
- Impact on local residents from increased vehicular movements
- Widemarsh Common is a designated ‘village green’ with War Memorial, Cricket pavilion and play area
- Herefordshire FA does not have any changing facilities of their own, does this mean another application will be submitted for them? This would reduce parking provision.
- Artificial pitches are known to contain dangerous/toxic substances – impact on Conservation Area.

Support:

- Local facilities need to be improved for various reasons:
 - Increased participation for physical and mental health benefits (as encouraged by Central Government and the NHS)
 - Inadequate for increased use due to playing surface
 - Undersupply and are expensive
 - Proposal is likely to be cheaper for local clubs (as a HFA facility)
 - Boost to sport, schools and colleges in Hereford
 - Could reduce unsociable behaviour
- Hopefully few objections, as not in close proximity to housing (compared to the Aylestone application)
- Hereford FC supports and encourages more artificial grass pitches to enable best possible chance of participation
- During the winter dozens of matches are postponed across age groups due to unplayable grass surfaces
- Severe limitation of number of existing artificial grass pitches means there is often no alternative venue available
- Several age groups spent 2 months without playing a match, due to waterlogging and freezing temperatures
- Hereford FC has over 130 registered under 18 players, which is planned to expand rapidly over coming years provided that there are facilities to enable it
- Senior sides train in Gloucestershire due to lack of artificial pitches in Herefordshire
- Will benefit local sporting community, tourism and platform for local sport people to reach the national stage and bring greater publicity to the County

- 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=182950&search=182950

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 SS1 advises that *'When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.'* It continues that it will seek to secure development that improves the social, economic and environmental conditions in Herefordshire. It also confirms, in accordance with the statutory duty that planning applications that accord with the policies in CS will be approved, unless material considerations indicate otherwise. The text on the 'Vision for social progress in Herefordshire' also advises that the opportunities and benefits from sport, amongst other things, will be maximised, enabling more active lifestyles and an improved quality of life for all.
- 6.4 NPPF Chapter 2 – Achieving sustainable development advises that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) to secure sustainable development. The three overarching objectives, are economic, social and environmental. These include helping to support growth, strong vibrant and healthy communities with accessible open spaces that reflect current and future needs, supporting communities' health, social and cultural well-being and contributing to the protection and enhancement of the environment, including effective use of land and minimising waste and pollution.
- 6.5 Policy SC1 of the CS supports the improvement of existing community facilities, which the existing use falls within the definition of as it comprises a recreational/sports facility operated by the community/voluntary sector. This policy states that *'Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.'* The pre-text to the open space, sport and recreation facilities policies (OS1, OS2 and OS3) recognises that such facilities are an essential part of sustainable communities, need to stand the test of time, be where people want to live, and enable people to meet their sporting and recreational aspirations and potential (paragraph 5.1.42). Where a proposal results in the loss of a sports facility CS policy OS3 sets out four principles to be taken into account. These are:
1. clear evidence that the open space, sports or recreation facility is surplus to the applicable quantitative standard;

2. the loss of the open space, sports or recreation facility results in an equally beneficial replacement or enhanced existing facility for the local community;
3. the loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, useability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;
4. the loss of the open space, sports or recreation facility will not result in the fragmentation or isolation of a site which is part of a green infrastructure corridor.

6.6 Chapter 8 of the NPPF promotes healthy and safe communities. Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places. In terms of open space and recreation it states that access to high quality facilities for sport and physical activity is important for the health and well-being of communities. Paragraph 97 states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) *the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use*

6.7 In addition to local and national planning policies the Sport England Policy on Planning Applications affecting playing fields E5 is relevant.

6.8 In terms of the principle of the replacement of grass pitches with an artificial turf to provide a full sized adult pitch and smaller pitches for junior games, training etc, it is considered that in accordance with Sport England's advice and that of the Open Space Planning Officer the improvement to the facility outweighs the loss of the existing. The benefits of a more durable, weather resistant surface are clearly expressed in the representations from Herefordshire Football Association, which includes a reduction in the cancellation/postponement of fixtures and the opportunity for increased useage for a range of teams. The latter including community groups and not just the current club (Westfields FC) that uses the site. To ensure that the community use is maintained, in the public interest and to accord with policy requirements, it is considered that Sport England's recommended conditions are reasonably related to the development proposed, necessary and enforceable in accordance with paragraph 55 of the NPPF. In principle the proposal accords with CS policies and paragraph 97 of the NPPF, along with Sport England Policy.

6.9 With regards matters of detail these are the highway impacts, the affect on neighbouring uses, the impact on heritage assets, trees and drainage (including the SSSI impact zone and Flood zones 2 and 3).

Highways

6.10 CS policy MT1 requires development to provide safe and suitable access, encourage active travel behaviour and demonstrate that the strategic and local highway network can absorb traffic impacts, amongst other considerations. At paragraph 108 of the NPPF similar requirements are set out and in addition it cautions, at paragraph 109, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.11 As clarified by the applicant, the proposal would retain both the existing access and parking arrangements. Highways England has no objection to this. The site is considered to be in a sustainable location, where visitors have the opportunity to reach the facilities on foot, cycle or partly on public transport. There is existing secure cycle storage within the site. Moreover, the nature of the use, for team sports, gives rise to the increased potential for shared modes of transport. Although the proposal seeks permission for extended hours of use it would not increase the capacity of the use of the site at any one time. That said, the artificial surface would facilitate both a greater number of days useage per year and increased hours per day. The increased number of days would not adversely impact on the road network, but the increased hours could give rise to more 'change over' periods between sessions of use, resulting in potential conflict between those leaving the site and those arriving. It is considered that this would not result in a 'severe' impact and in light of both the Transportation Manager's and Highway England's responses it is considered that the scheme would not lead to harmful highway impacts and as such accords with policy requirements. The requirement for a Travel Plan to promote active travel patterns and minimise potential conflict at change over times is considered to proportionately address any arising impacts and can be reasonably controlled by condition.

Impact on neighbouring uses

- 6.12 The potential impacts on neighbours result from noise, lighting and comings and goings. CS policy SD1 requires developments to safeguard residential amenity and ensure they do not contribute to adverse impacts arising from noise or light contamination. Paragraph 127f) of the NPPF states that developments should create places that have a high standard of amenity for existing users.
- 6.13 With regards noise impact, firstly it must be borne in mind that the lawful use of the site is for sports pitches and this generates noise. Secondly, the proposed use would not increase the number of users of the facility at any one time. Thirdly, there is an existing tannoy system in place, which is a requirement for competitive league matches. As a consequence, the application must be assessed in this context, whilst accepting that the improved durability of the playing surface would lead to increased duration of use. The Design and Access Statement advises that during the winter the need to protect the playing surface means that it is used for up to three evenings per week. As proposed the use would be for every day. The requested hours are 9am until 10pm, with floodlighting facilitating this when required. The Design and Access Statement advises that a community use management plan would be utilised to ensure the correct operation of the premises. It states that this would include day to day management, booking procedures, on site car parking for the community use and local resident communications. In addition a Noise Management Plan with procedures to minimise potential noise impact on local residents is proffered by the applicant.
- 6.14 A Noise Assessment has been submitted and the Environmental Health Manager accepts its findings. Subject to the requirement for Noise and Community Use Management Plans to be approved prior to first use and implemented when the 3G pitch is in use, along with the requirement for an acoustic fence and a restriction on amplified music there is no objection with regards noise.
- 6.15 Turning to the impact of the floodlighting, as raised in the objection, these are existing and approved (reference: 160232), The Environmental Health Manager has not objected to an increase in the number of days they are used. Furthermore, it is noted that the planning permission pertaining to the existing floodlights only limits their hours of use (7am to 10pm) and not the number of days of use. It is appreciated that the existing grass surface by default operates as a limitation, but in this context it is considered that the amenity of local residents would be safeguarded, compared to the current context and lawful use of the site in accordance with CS policy SD1.

- 6.16 Lastly, the increased use in terms of hours per day and days per year would result in more comings and goings and this could have an impact on residential amenity. This should be assessed against the established use of the site and bearing in mind that there is no conditional planning restriction on the hours/days of use, albeit that the grass surface acts as an informal, self regulating limitation. There have been no objections from local residents that share the access to the site. It is considered that the proposal would give rise to the opportunity for more prolonged 'comings and goings' over an increased number of days, both per week and over the year. This may be discernible compared to the existing comings and goings and thus result in a degree of adverse impact on the living conditions of those that share the access. The Travel Plan would enable this to be mitigated to some degree.
- 6.17 To conclude on this issue, it is considered that the proposal may have some degree of adverse impact upon existing residential amenity due to the prolonged activity compared to the existing. It is noted that there is no objection from the local residents who share the access and given the longstanding use of the site this may be because occupiers are used to these activities, such that their sensitivity to the potential increase is reduced. There is some degree of tension with CS policy SD1 and the NPPF in this regard.

Impact on heritage assets

- 6.18 The site is located within the Widemarsh Conservation Area, which is a designated heritage asset. The Conservation Manager has also identified the siting of Moor House, a Grade II listed building, to the southwest of the site.
- 6.19 Firstly, these heritage assets, are afforded a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These sections require the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (in the case of listed buildings – s66) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area (in the case of a Conservation Area – s.72). In practice this means that when undertaking a planning balance the weight afforded to preserving the building, its setting or features of special architectural or historic interest and preserving or enhancing the character and appearance of the Conservation Area is greater than that given to the other considerations, because they do not have a similar statutory duty requiring special attention to be given to them.
- 6.20 Secondly, in planning policy terms CS policy LD4 requires developments to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance. At chapter 16 the NPPF provides advice on assessing the impacts of development on heritage assets, and where harm is identified, the relevant tests depending on its severity.
- 6.21 The Conservation Manager has no objection to the scheme, due to the existing use and development on the site, the existing landscaping and the nature of the proposal. A caution is given in respect of experiential aspects, but it is opined that as the proposal only relates to extended periods of use, in a context that already comprises multiple sporting facilities, that this would not have a harmful impact on these heritage assets. It is considered that the proposal would conserve the identified heritage assets and thus accords with policy requirements

Trees

- 6.22 CS policy LD3 states that proposals should protect, manage and plan for the preservation of existing green infrastructure. Existing trees and vegetation provide filtered views of the site from the public right of way/cycleway along the western site boundary. The Conservation Manager (Trees) initially raised concern regarding the potential impact of any excavation required for the pitch and fencing on two silver birch trees, closest to the northwest boundary. The agent has confirmed that a no dig method can be employed as a solution for the hardsurfaced area and

post spacing for the fencing and attendance by an arboriculturalist during erection would address these concerns. The Conservation Manager (Trees) has advised that the existing trees to the northwestern part of the site can be proportionately and reasonably protected by way of a pre-commencement condition.

Drainage (flood risk and SSSI impact zone)

- 6.23 The site lies wholly in flood zone 3, but not within an area known to be at risk of surface water flooding. The Environment Agency's mapping for long term risk of flooding suggests that floodwater would back up from the culvert under the former railway line, so would be held back on the site side of the railway. The proposal would not alter the land use of the site, which as an outdoor sports and recreational facility falls within the 'water-compatible development' of the flood risk vulnerability classification. Such a use is appropriate in flood zone 3. The proposal would not change ground levels, nor introduce new buildings. On this basis, in particular giving weight to the existing use of the site, it is considered that the proposal would not result in increased flood risk. With regards the potential for material migration, the Ecologist's Habitat Regulation Assessment – Appropriate Assessment notes that the site would be designed to be compliant with 1:100 flooding requirements and this would mitigate, as far as is practicable, any wash-out from the surface. Sport England has commented that whilst it is not ideal for such a surface to be within Flood Zone 3 they do not consider it warrants refusal of the application, rather it would be for the applicant to make appropriate provision for suitable insurance to cover the cost of replacing the surface if such a flooding event occurs.
- 6.24 CS policies SD3 and SD4 state that developments must demonstrate that a sustainable system of surface water drainage is achieved without increased runoff or contamination, such that it would undermine the achievement of water quality targets for rivers within the county. The proposal would not result in any additional foul water and surface water is stated to be to soakaways, managed through a suitable sized SuDS system with storage and management, both within the pitch structure and through an external underground 'cellular system'. Following Natural England's initial comments a Habitat Regulation Assessment – Appropriate Assessment has been undertaken and this concludes that the proposed development would not have significant adverse impacts on the designated sites. Natural England has confirmed that they concur with this assessment, subject to conditions. A drainage condition requiring submission and approval of a full final design to ensure suitable capacity is recommended.

Other matters

- 6.25 The City Council has raised objection to the proposal on the grounds that the surfacing material may be unsafe for users, due to its potentially contaminated nature. The agent has provided further information, which states that the installation of the recycled rubber tyre material (SBR) is subject to a procedure of testing in accordance with all relevant standards and requirements, prior to being deposited on site. The agent has recommended a condition is imposed to ensure compliance, and whilst there may be a degree of duplication with other legislation in doing so, to ensure the well-being if users of the proposed facility it is considered to be reasonable and relevant. In addition, as per the Conservation Manager (Ecology) comments, this will also limit the risk in terms of the HRA – AA.
- 6.26 There is a current application for the provision of a 3G pitch at Old School Lane, Hereford (reference 182893), which is also before Committee for determination. As confirmed by the Open Space Planning Officer and endorsed by the representations from the Herefordshire FA, there is a demand for two additional facilities in Hereford City, as calculated from the number of registered football teams within the County. On this basis, one scheme would not prejudice the other.

Conclusion

- 6.27 The proposal represents an enhancement to the useability of the pitches, both in terms of duration and range of users. This is a positive social gain and weighs in favour of the scheme. It is located where users would have a real choice on how they travel to the site and although there may be some degree of adverse impact on the amenity of local residents due to the increased hours and days of activity on the site, these would be outweighed by the benefits. Subject to a satisfactory surface water drainage scheme there would be no adverse environmental impacts. When considered against the CS as a whole and taking into account other material considerations, namely the NPPF and the Sport England Policy on Planning Applications affecting playing fields E5, the proposal is considered to be sustainable development that accords with the Development Plan. In the absence of any material planning considerations that indicate a decision being made other than in accordance with the Development Plan, as per the statutory duty, paragraph 11c) of the NPPF and CS policy SS1 it is recommended that permission is granted, subject to conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. A01 Time limit for commencement (full permission)**
 - 2. B02 Development in accordance with approved plans and materials**
 - 3. Use of the development shall not commence until :**
 - a) Certification that the Artificial Grass Pitch hereby permitted has met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS) and,**
 - b) Confirmation that the facility has been registered on the Football Association’s register of Football Pitches**

Such details to have been submitted and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure that the development is fit for purpose and sustainable, provides sporting benefits and to accord with policy OS3 of the Development Plan.
- 4. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the proposed Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review). The development shall not be used otherwise than in strict accordance with the approved agreement.**

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with policy OS3 of the Development Plan.
- 5. Prior to commencement of any works approved under this decision notice a fully detailed surface water management and Sustainable Drainage Scheme (SuDS) shall**

be supplied and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full as approved and prior to first use of the 3G pitch hereby approved.

Reason: In order to comply with Habitat Regulations (2017), National Planning Policy Framework, NERC Act (2006) and Herefordshire Council Core Strategy (2015) policies LD2 and SD3.

6. Prior to the commencement of any construction work details of the type of infill materials to be installed into the 3G artificial grass pitch surface which may comprise of recycled SBR with adequate chemical testing evidence in compliance with REACH findings, or EPDM, or TPE, or Encapsulated SBR or natural materials (such as cork / vegetable) shall be submitted to and approved in writing by the local planning authority. The approved surface shall be implemented prior to first use of the pitch and no other alternative surface shall be used without prior written consent of the local planning authority.

Reason: To ensure that the surfacing of the pitch would comply with industry guidance that has considered the findings of Registration, Evaluation, Authorisation and Restriction of Chemicals and so as to ensure a safe environment for users of the facility in accordance with Herefordshire Local Plan – Core Strategy policy SD1 and the requirements of the National Planning Policy Framework

7. Prior to the first use of the 3G pitch hereby approved a Travel Plan which contains measures to promote alternative sustainable means of transport for staff and visitors with respect to the development hereby permitted shall be submitted to and be approved in writing by the Local Planning Authority. The Travel Plan shall be implemented, in accordance with the approved details, on the first use of the development. A detailed written record shall be kept of the measures undertaken to promote sustainable transport initiatives and a review of the Travel Plan shall be undertaken annually. All relevant documentation shall be made available for inspection by the local planning authority upon reasonable request.

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy MT1 and SS4 of Herefordshire local Plan - Core Strategy and the requirements of the National Planning Policy Framework.

8. The means of vehicular access to the development hereby permitted shall only be as defined within “Hereford FA Artificial Turf Pitch Highways” (Drawing No. 07) for the full period of construction and when completed/operational.

Reason: In order to ensure the safety of users on the A49 and enable it to continue to be an effective part of the Strategic Road Network in accordance with Section 10 (2) of Highways Act 1980 and policies SS4 and MT1 of the Herefordshire local Plan - Core Strategy and the requirements of the National Planning Policy Framework.

9. Prior to the first use of the 3G pitch hereby approved a 3 metre high acoustic fence of solid rigid material with a minimum density of 10 kg per m² shall be erected along the north eastern boundary of the pitch, as shown in Figure 6 of the noise report. The specification and appearance of the fence shall have first been submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details. The fence shall be retained thereafter whilst the 3G pitch is in use.

Reason: : In order to protect the residential amenity of adjacent properties and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 10. Prior to the commencement of the development a tree protection plan in accordance with BS5837:2012 shall be submitted and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details for the duration of the construction phase.**

Reason - To safeguard all retained trees during development works and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 11. Prior to the commencement of any works a method statement for trees in the north western corner of the proposed pitch or where no dig has been specified, must be submitted and approved by the local planning authority and the development shall be carried out in accordance with the approved method statement.**

Reason - To safeguard the character and amenity of the area and to ensure that the development conforms with Policies LD1 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. IP1**
- 2. I05 – No drainage to discharge to highway**
Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3. I11 – Mud on highway**
It is an offence under Section 148 of the Highways Act 1980 to allow mud or other debris to be transmitted onto the public highway. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 4. I35 – Highways Design Guide and Specification**
The applicant’s attention is drawn to the requirement for design to conform to Herefordshire Council’s ‘Highways Design Guide for New Developments’ and ‘Highways Specification for New Developments’.
- 5. I45 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)**

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Balfour Beatty Living Places (Managing Agent for Herefordshire Council) Highways Services, Unit 3 Thorn Business Park, Rotherwas, Hereford HR2 6JT, (Tel. 01432 349517),), 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 Highways Services 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 Highway Service can be contacted on Tel. 01432 845900.

6. **Sport England INFORMATIVES** : The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf – FIFA Quality Pro and steps 3-6 should be built to FIFA Quality as a minimum and tested annually as per league rules.
7. **Guidance on preparing Community Use Agreements** is available from Sport England at: <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/community-use-agreements/>

For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate.
8. **No trees have been identified for removal in the plans submitted to date. The site is within the Widemarsh Common Conservation Area, therefore any tree works or felling will require a separate notification submitted to the Local Planning Authority prior to commencement.**

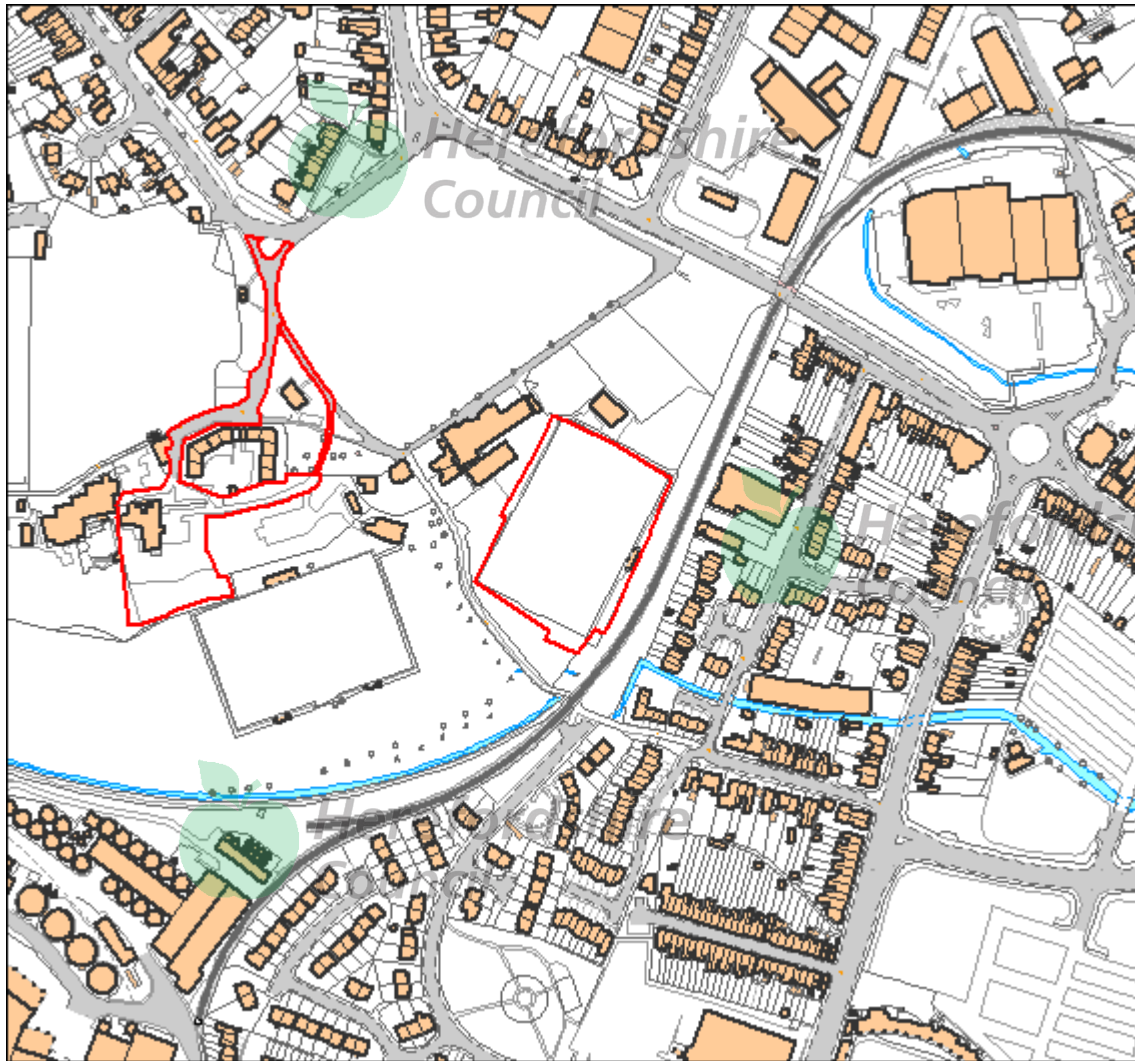
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 182950

SITE ADDRESS : TED POWELL BUILDING, THE COUNTY GROUND, HEREFORD, HEREFORDSHIRE, HR4 9NA

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