

Agenda

Planning and regulatory committee

Date: **Friday 6 May 2022**

Time: **10.00 am**

Place: **The Conference Room, Herefordshire Council Offices,
Plough Lane, Hereford, HR4 0LE**

Notes: Please note the time, date and venue of the meeting. Please access the following link for the live webcast of the meeting:
[Planning and regulatory committee - Friday 6 May 2022 10.00 am - YouTube](#)

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 Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail matthew.evans@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Planning and regulatory committee

Membership

Chairperson **Councillor Terry James**

Councillor Paul Andrews
Councillor Polly Andrews
Councillor Sebastian Bowen
Councillor Elizabeth Foxton
Councillor John Hardwick
Councillor Tony Johnson
Councillor Graham Jones
Councillor Mark Millmore
Councillor Jeremy Milln
Councillor Felicity Norman
Councillor Paul Rone
Councillor John Stone
Councillor Yolande Watson
Councillor William Wilding

Agenda

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	GUIDE TO THE COMMITTEE	
	NOLAN PRINCIPLES	
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3.	DECLARATIONS OF INTEREST 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.	
4.	MINUTES To approve the minutes of the meeting held on 16 March 2022.	13 - 20
5.	CHAIRPERSON'S ANNOUNCEMENTS To receive any announcements from the Chairperson.	
6.	212634 - TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ Proposed two detached single storey dwellings in cartshed form.	21 - 44
7.	213842 - CLEHONGER CHURCH OF ENGLAND PRIMARY SCHOOL, GOSMORE ROAD, CLEHONGER, HEREFORD, HEREFORDSHIRE, HR2 9SN Proposed construction of outdoor classroom.	45 - 52
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9.	DATE OF NEXT MEETING Date of next site inspection – TBC Date of next meeting – TBC	

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We will review and update this guidance in line with Government advice and restrictions. Thank you very much for your help in keeping Herefordshire Council meetings a safe space.

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- 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 Herefordshire Council office at Plough Lane is located off Whitecross Road in Hereford, approximately 1 kilometre from the City Bus Station. The location of the office and details of city bus services can be viewed at:

<http://www.herefordshire.gov.uk/downloads/file/1597/hereford-city-bus-map-local-services>,

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 Terry James (Chairperson)	Liberal Democrat
Councillor Paul Andrews	Independents for Herefordshire
Councillor Polly Andrews	Liberal Democrat
Councillor Sebastian Bowen	True Independents
Councillor Elizabeth Foxton	Independents for Herefordshire
Councillor John Hardwick	Independents for Herefordshire
Councillor Tony Johnson	Conservative
Councillor Graham Jones	True Independents
Councillor Mark Millmore	Conservative
Councillor Jeremy Milln	The Green Party
Councillor Felicity Norman	The Green Party
Councillor Paul Rone	Conservative
Councillor John Stone	Conservative
Councillor Yolande Watson	Independents for Herefordshire
Councillor William Wilding	Independents for Herefordshire

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?

The following attend the committee:

- Members of the committee, including the chairperson and vice chairperson.
- Officers of the council – to present reports and give technical advice to the committee
- Ward members – The Constitution provides that the ward member will have the right to start and close the member debate on an application.

(Other councillors - may 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. The case officer will then give a presentation on the report.

The registered public speakers will then be invited to speak in turn (Parish Council, objector, supporter). (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 Council's Constitution provides that 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 (see note below)

- 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.

(Note: Those registered to speak in accordance with the public speaking procedure are able to attend the meeting in person to speak or participate in the following ways:

- *by making a written submission (to be read aloud at the meeting)*
- *by submitting an audio recording (to be played at the meeting)*
- *by submitting a video recording (to be played at the meeting)*
- *by speaking as a virtual attendee.)*

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 in the Council's Constitution (Part 5 section 6).

In the case of the ward member being a member of the Committee they will be invited to address the Committee for that item and act as the ward member as set out above. They will not have a vote on that item.

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.

**The Seven Principles of Public Life
(Nolan Principles)**

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Minutes of the meeting of Planning and regulatory committee held at Three Counties Hotel, Belmont Road, Belmont, Hereford, HR2 7BP on Wednesday 16 March 2022 at 10.00 am

Present: Councillor Terry James (chairperson)

Councillors: Paul Andrews, Polly Andrews, Sebastian Bowen, John Hardwick, John Harrington, Mark Millmore, Jeremy Milln, Felicity Norman, Paul Rone, John Stone, Yolande Watson and William Wilding

In attendance: Councillors Catherine Davies and Toni Fagan (virtual attendee)

Officers: Development manager north team and Senior planning, highways and regeneration lawyer

54. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Elizabeth Foxton, Tony Johnson and Graham Jones.

55. NAMED SUBSTITUTES (IF ANY)

Councillor John Harrington acted as a substitute for Councillor Elizabeth Foxton.

56. DECLARATIONS OF INTEREST

Councillor John Hardwick declared an other interest in respect of agenda item no. 6, application 211049 – Site adjacent to Homelands; the applicant and several of the objectors were known associates.

There was one further declaration of interest, please see minute 60 below.

57. MINUTES

RESOLVED: That the minutes of the meeting held on 9 February 2022 be approved.

58. CHAIRPERSON'S ANNOUNCEMENTS

The Chairman thanked David Gossett, senior planning officer, for the work he had undertaken with the council and wished him well for the future.

59. 211049 - SITE ADJACENT TO HOMELANDS, ORCOP, HEREFORDSHIRE, HR2 8SD

The senior planning officer gave a presentation on the application.

In accordance with the criteria for public speaking Ms Rigler, spoke on behalf of Orcop Parish Council, Mr Shaw, local resident, spoke in objection to the application and Mr Emerson, the applicant's agent, provided a statement in support of the application which was read to the committee.

In accordance with the council's constitution the local Ward member spoke on the application. In summary she commented that the application was inconsistent with policy 4 of the draft neighbourhood development plan (NDP) as the development was not within the character of the local area. Further, the application was inconsistent with policy SD1 of the Core Strategy: it was not in keeping with the local surroundings; and the proximity of the proposed development impacted upon the privacy of neighbouring properties. There was an adverse impact on residential amenity posed by the application. Objections to the application concerned the type of building proposed; it had been understood that a bungalow would be built on the site rather than the two storey development currently proposed. There was also significant concern regarding drainage from the site and the impact of flood water from Orcop Hill on the development. The potential for flooding to introduce effluence into the water system was a concern and the potential impact this would have on the River Wye SAC.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate. She explained that the application could be refused as it add an unacceptable impact on residential amenity and was inconsistent with policy SD1. It was noted that the statutory consultees had not raised objections with the application however the robustness of the assessments conducted into drainage and flooding the site was questioned.

A motion that the application be approved, consistent with the case officer's recommendation, was moved and was lost by simple majority.

A motion that the application be refused due to: the unacceptable impact on residential amenity posed by the size and scale of the development (with reference to policy SD1 of the Core Strategy and ORC1 and ORC4 of the draft Orcop NDP); the inadequacy of assessments and investigations into the impact of the development on local drainage and water management (with reference to policies SD3 and SD4 of the Core Strategy); and the design and scale of the development was not in keeping with the local area (with reference to policies LD1 and SS6 of the Core Strategy) was moved and was carried by a simple majority.

Resolved – that planning permission is refused due to: the unacceptable impact on residential amenity posed by the size and scale of the development (with reference to policy SD1 of the Core Strategy and ORC1 and ORC4 of the draft Orcop NDP); the inadequacy of assessments and investigations into the impact of the development on local drainage and water management (with reference to policies SD3 and SD4 of the Core Strategy); and the design and scale of the development was not in keeping with the local area (with reference to policies LD1 and SS6 of the Core Strategy).

(There was adjournment at 11:16 a.m.; the meeting reconvened at 11:28 a.m.)

60. 212357 - FIELD WEST OF OLDHALL HOUSE, VELDO LANE, WITHINGTON, HEREFORDSHIRE, HR1 3QA (Pages 5 - 8)

(Councillor Paul Andrews left the committee to act as a local Ward member for the next application.)

Councillor Felicity Norman declared an other interest in respect of agenda item no. 7, application 212357- Land west of Oldhall House; the public speaker speaking on behalf of the local Parish Council was a known associate.

The senior planning officer gave a presentation on the application and the updates/representations received following the publication of the agenda as provided in the update sheets and append it to these minutes.

In accordance with the criteria for public speaking Ms Heatly spoke on behalf of Withington group Parish Council, and Mr Thomas, the applicants agent, spoke in support of the application.

In accordance with the council's constitution the local Ward member spoke on the application. In summary he commented that the scale of the development proposed was a concern and was inconsistent with the description of a cottage. The impact of the development on the landscape and local conservation area was unacceptable. A more sustainable property was appropriate on the application site; the proposed development was not consistent with the outline planning permission. The hedgerow proposed for removal needed to be fully transplanted to an alternative location. The adequacy of the access road to the property was also a concern.

The committee discussed the application.

The local Ward member was given the opportunity to close the debate. He explained that the scale of the property was a concern and was not felt to be in accordance with the outline planning permission.

A motion that the application be refused due to the scale of the development and unacceptable impact on the landscape, conservation area and the character of the area (with reference to policies LD1 and LD4 of the Core Strategy and policy P7 of the Withington Group NDP) was moved and carried by a simple majority.

Resolved – that planning permission is refused due to the scale of the development and unacceptable impact on the landscape, conservation area and the character of the area (with reference to policies LD1 and LD4 of the Core Strategy and policy P7 of the Withington Group NDP).

The meeting ended at 12.15 pm

Chairperson

SCHEDULE OF COMMITTEE UPDATES

212357 - RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 182818 - SITE FOR THE ERECTION OF TWO COTTAGES WITH GARAGING. CONSTRUCTION OF NEW VEHICULAR ACCESS AND ASSOCIATED WORKS AT FIELD WEST OF OLDHALL HOUSE, VELDO LANE, WITHINGTON, HEREFORDSHIRE, HR1 3QA

For: Mrs Watson per Mr Stephen Vaughan, The Heathers, 74 Ross Road, Hereford, Herefordshire, HR2 7RL

ADDITIONAL REPRESENTATIONS

Photos sent by Councillor Paul Andrews taken 22nd May 2020:





OFFICER COMMENTS

The status of Veldo Lane was raised as a question during the site visit. The Local Highways Authority have no record of who owns Veldo Lane. It is maintained by the Council to footpath standard given Public Right of Way WT10 follows Veldo Lane from Lock Lane (C1130), but it remains unclear who is responsible for the maintenance of the lane except for that covered by the footpath designation.

Access was determined at the outline stage under application P182818/O under which Veldo Lane was treated as a private track and it is not a matter under consideration as part of the current reserved matters application which only seeks to resolve the matters of appearance, landscaping and scale. Accordingly there is no change to Officer's recommendation for approval.

NO CHANGE TO RECOMMENDATION

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	6 MAY 2022
TITLE OF REPORT:	212634 - PROPOSED TWO DETACHED SINGLE STOREY DWELLINGS IN CARTSHED FORM AT TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ For: Austin per James Spreckley MRICS, Brinsop House, Brinsop, Hereford, Herefordshire HR4 7AS
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=212634&search-term=212634
Reason Application submitted to Committee – Redirection	

Date Received: 2 July 2021
Expiry Date: 10th May 2022

Ward: Weobley
Local Members: Cllr M Jones

Grid Ref: 344781,251511

1. Site Description and Proposal

- 1.1 The application relates to a site on the western edge of the settlement of Bush Bank. The site comprises a 0.2 hectare parcel of land which fronts onto the C1095 and forms part of a larger field that is currently planted to commercial orchard. It lies approximately 250m to the west of the junction between the C1095 and the A4110, at the end of a ribbon of wayside residential development that extends towards the countryside to the west. A dwelling known as Two Hoots lies immediately adjacent to site to the east, whilst a number of dwellings are located on the opposite side of the highway to the south. The topography of the site is generally flat, with the wider field having a slight fall in a north westerly direction. There is an established native species hedgerow occupying the roadside boundary. The site location relative to the built form of the village is indicated by the red star on the map below:



Figure 1: Aerial Image of Site Location

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 1.2 The application is made in full and seeks planning permission for the erection of two dwellings. The dwellings would be single storey and delivered on an 'L' shaped footprint with a design approach which seeks to emulate a traditional cartshed character. Each would provide three bedrooms of accommodation and would be finished in facing brick under a natural slate roof with timber detailing and fenestration. The two dwellings would be similar in design, albeit their layouts would be 'handed', and they would be orientated with their principal elevation facing south to address the highway. The roadside elevation of Plot 1 and the proposed site layout are shown below in Figure 2 and 3 below:

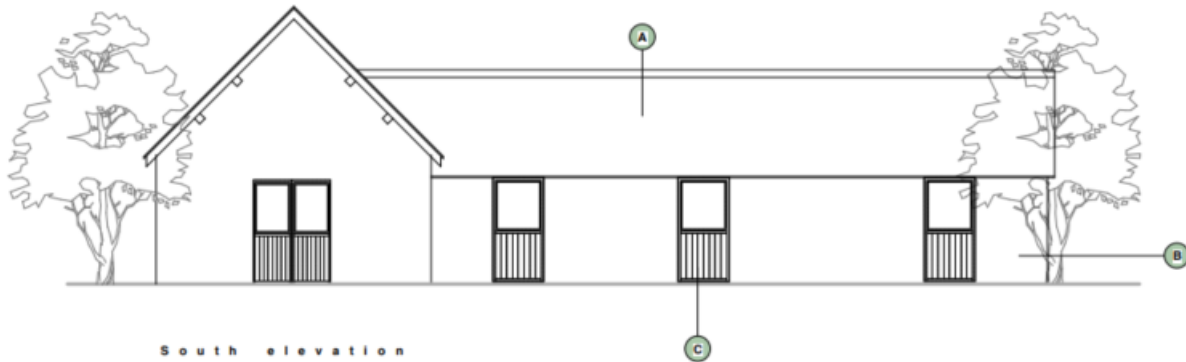


Figure 2: Proposed South Elevation (Unit 1)



Figure 3: Proposed Site Layout Plan

- 1.3 A new shared access point onto the C1094 would be created at the centre of the site with the existing roadside hedgerow translocated to deliver the required visibility splays. New outer site boundaries would be established with new hedgerow planting. Parking and turning would be provided to the fore of each dwelling using impermeable surfaces. Foul water would be managed through individual package treatment plants with discharge of treated water being directed to a drainage mound on land in the Applicant's control to the north west, whilst surface water would be managed through an attenuation system with controlled discharge to ditch.

2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

The following policies from the CS are considered to be of relevance to the current proposal;

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 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
- SS7 - Addressing climate change
- RA1 - Rural housing distribution
- RA2 - Housing in settlements outside Hereford and the market towns
- H3 - Ensuring an appropriate range and mix of housing
- 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
- SD2 - Renewable and low carbon energy
- SD3 - Sustainable water management and water resources
- SD4 - Waste water treatment and river water quality

It is highlighted to Member's that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

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

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

2.2 Pyons Group Neighbourhood Development Plan (NDP)

The Pyons Group Neighbourhood Development Plan was made on 16th June 2017. The following policies from the NDP are considered to be of relevance to the current proposal;

- PG1 Development Strategy
- PG7 Housing in Ledgemoor, Kings Pyon and Bush Bank
- PG8 Traffic measures within villages
- PG9 Design criteria for housing and sites

The Pyons Group NDP 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/downloads/file/9063/neighbourhood_development_plan

Pyons Group NDP Review

It is noted that the Pyons Group NDP is currently in the process of being reviewed. A draft version of the plan (dNDP) was submitted to Herefordshire Council on the 25th January 2021 and a Regulation 14 public consultation was carried out between the 1st February and 15th March. At this stage, it is considered that the draft version of the NDP attracts limited weight in accordance with Paragraph 48 of the National Planning Policy Framework.

2.3 National Planning Policy Framework

The following Chapters of the NPPF are considered to be relevant to the current proposal:

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

The NPPF can be viewed here;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

3. Planning History

3.1 No applications relevant to this site.

4. Consultation Summary

Statutory Consultations

4.1 Natural England – No objections

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.

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site, 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 Lugg Site of 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 sites – River Wye Special Area of Conservation

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). 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, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

River Lugg Site of Special Scientific Interest

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

4.2 **Welsh Water** – No response

Internal Council Consultations

4.3 **Transportation Manager** – No Objections (26th November 2021)

Following clarification that the splay areas are within the ownership of the applicant the remaining highway issue relating to the visibility splay is now resolved. In order to secure these areas condition CAB is recommended at dimensions of 2.4 x 72m to the west and 51m to the east. As set out in the previous highways response condition CAE relating to the specification of the access and CB2 relating to secure cycle parking are also recommended in the event that permission is granted.

There are no highways objections to the proposals, subject to the recommended conditions being applied.

4.4 **Conservation Manager (Ecology)** – No Objections

Habitats Regulations and Drainage

The application site lies within the catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site and species and habitats within the reason for designation through the Habitat Regulations Assessment process.

The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach. All mitigation must be legally securable through the planning process for the lifetime of the development.

Notes in respect of HRA:

The proposal is to manage all foul water through dwelling specific PtP discharging through a shared pipework to a drainage mound located within adjacent commercial orchard under the applicant's ownership.

The design and specification of the system has been subject to a "no objection" response from the council's drainage consultants.

The proposed mound soakaway outfall is located in an area that:

Is not within 40m of any watercourse, on land with a slope less than 15%, groundwater is greater than 2m from surface, there are no identified geological or other expedited phosphate pathways and the location is not within 200m of any other outfalls or point sources of nutrients.

The location of the mound within an active commercial orchard will further reduce any potential for phosphate pathways as the growing trees require phosphate as part of their nutrient requirements.

The supplied information confirms that all surface water can be managed through appropriate shared onsite sustainable drainage schemes with final discharge to local watercourse.

The foul and surface water management systems can be secured for implementation by a relevant condition on any planning permission granted.

The management and maintenance of all shared foul and surface water systems – for the lifetime of the development – can be secured through an appropriate condition on any planning permission granted.

Subject to the HRA appropriate assessment completed by the LPA receiving a "no objection" response from natural England relevant conditions are requested:

Additional ecology comments:

The supplied ecology report by Ecology Services dated November 2021 appears relevant and appropriate. The recommended ecological working methods and proposed mitigation and biodiversity net gain enhancements should be secured for implementation by a relevant condition on any permission granted:

It is noted that probably subsequent to the supplied ecology report a length of the existing roadside hedgerow is now being proposed for translocation to create the required highway visibility splay. To ensure the translocation is carried out in a planned manner and the relocated hedgerow is fully retained and enhanced including being managed and maintained for the future a detailed Hedgerow Translocation Methodology and subsequent management and maintenance is requested and should be secured as pre-commencement condition.

Any increase in local nocturnal illumination levels could impact the foraging and commuting of these protected species populations and have a detrimental effect on the local intrinsically dark landscape. To ensure these effects are mitigated condition to secure appropriate low level, directional and time limited lighting on all aspects of the proposed development is appropriate.

4.5 **Land Drainage Engineer – No Objection (Final Comments 3rd December 2021)**

Fluvial Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low risk Flood Zone 1. As the proposed development is less than 1ha and is located within Flood Zone 1, in accordance with Environment Agency standing advice, the planning application does not need to be supported by a Flood Risk Assessment (FRA).

Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site is not at risk of surface water flooding.

Other Considerations and Sources of Flood Risk

Some local residents have identified surface water and sewage issues in the adjacent lane.

There may be a risk of surface water flooding from higher land, particularly for the western plot. The Applicant would need to consider the likely flow routes in the vicinity of the proposed development site. It may be necessary to raise the threshold levels 300mm above existing ground levels to prevent ingress.

If topography within the area of the proposed development is sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

Surface Water Drainage

We accept the submitted calculations which confirm that soakaways would not be viable at the site due to the exceedance of the 24 hour half drain time. Therefore, the proposed discharge to the ditch would be considered to be acceptable. However, the Applicant should present further information on the location and discharge point of the ditch at discharge of condition stage. No information has been presented regarding the orifice size for a 1 l/s discharge rate, again this should be provided at discharge of condition.

For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. Any discharge of surface water to an ordinary watercourse may require Ordinary Watercourse Flood Defence Consent from Herefordshire Council prior to construction. This is dependent on the final design and whether a new section of culvert is proposed. If the surface water will be piped to the watercourse and only a new headwall is proposed, then an Ordinary Watercourse Flood Defence Consent will not be required.

Foul Water Drainage

As there is no foul public sewer within 30m of the proposed development site, it is proposed that the two dwellings will be served by a gravity fed drainage mound. The Applicant has undertaken shallow depth percolation tests in accordance with BS6297, which has recorded an average and acceptable VP rate of 85 sec/mm. At discharge of condition stage, the applicant should present design drawings which ensures the last section of the foul water discharge pipe has sufficient cover in line with Building Regulations Part H, particularly as it is a long section across an

agricultural field. The applicant may want to consider moving the drainage mound closer to the pipe and building up the ground levels to achieve an acceptable cover

Overall Comment

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Provision of a detailed surface water drainage design plan including confirmation of orifice size, headwall design and, if applicable, Ordinary Watercourse Flood Defence Consent.
- Revised detailed foul water drainage design in line with our above comments.

4.6 **Environmental Health Officer (Noise and Nuisance)** – No objections

My comments are from a noise and nuisance perspective. In an email dated 14th November 2021 the applicant advised of the siting and operation of the effluent pumps in connection with this proposal. Further drawings for alternative sewage treatment arrangements advise that there will be no need for pumps. Please be advised that for either proposal our department does not object on noise and nuisance grounds.

5. Representations

5.1 **Parish Council** – Objection

Pyons Group Parish Council objects to the proposed development for the following reasons:

- The proposal site is located outside the draft settlement boundary for Bush Bank set out by policy PG1 of the emerging Pyons Group NDP review so the principle of new residential development here is not supported by the emerging NDP.
- The site lies within the River Lugg sub catchment of the River Wye SAC and the parish council is concerned that the drainage proposals do not take sufficient account of the site's constraints, namely: high water table on a permanently wet site (as reported by local people), gradient of the land which means the foul drainage (in the event of a fault) will flow towards the road and can enter the nearby brook which ultimately drains into the River Wye SAC via the Lugg. Without more information it cannot be established with certainty, and beyond all reasonable scientific doubt that there will not be any adverse effect on the River Wye SAC.
- The proposed location of the sewage treatment unit and pumping station is considered to be too close to neighbouring property and the road, and the low level ambient humming the unit will emit is likely to adversely affect the residential amenity of the area.
- The housing need has not been proven. Local people report that three houses recently built nearby are uninhabited.
- The site has a long, productive history of agricultural use for crops such as wheat, and more recently as an orchard. The parish council believes good quality land should be retained for growing produce. Indeed, the location outside the settlement boundary in the emerging Pyons Group NDP review means the field is in open countryside and should be protected from development
- The hedgerow adjoining the road needs to be protected. The sight lines required by the proposed access will likely only be possible via the extensive removal of hedgerow either side of the entrance, and the parish council believes this cannot be justified given the open countryside location of the site
- Policy PG1 of the emerging Pyons Group NDP review supports development within the settlement boundary that "is on infill sites, comprises the conversion of redundant / disused buildings, or re-uses brownfield (previously developed) land". The proposed development fails to meet any of these criteria.

For these reasons, Pyons Group PC respectfully asks that the planning application is refused.

Please note that local people have raised a concern that the yellow planning notice has yet (as of 5 August 2021) to be posted locally. The parish council asks that the yellow notice is posted in an appropriate prominent location and the consultation period adjusted accordingly. Also, concern has been expressed that the description of the location is misleading and might be better referred to as "Land adjacent to Two Hoots

5.2 **Letters of Objection from 16 individuals / households** have been received. They raise the following points;

- There are no identified or justified need for additional housing. Pyons Group NDP has met targets for housing provision and the Council has a five year supply
- Adverse effect on the existing amenity of neighbours, including loss of privacy due to overlooking and light from overshadowing.
- Loss of greenfield farmland. The site is not 'infill'.
- Site is outside of the settlement boundary for Bush Bank in the emerging Neighbourhood Development Plan.
- Loss of hedgerow to create access.
- The site lies within the river Lugg catchment area and poses a potential risk for phosphates to enter the river.
- The access lane is narrow, and already congested and dangerous
- There is a lack of safe footpath provision
- Surface water issues already exist on site and lane
- Concerns over pump failure in foul water system, as well as potential for noise and amenity impacts such as odour from this system.
- Potential obstruction of footpath as a result of development
- Harm to biodiversity – loss of hedgerow and orchard.
- Design of buildings are out of keeping with area and material details have not be clarified
- Procedural issue with delays posting site notices / lack of neighbour letters
- Disruption from construction process

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=212634&search-term=212634

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

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 comprises the Herefordshire Local Plan – Core Strategy (CS) and the Pyons Group Neighbourhood Development Plan (NDP). The latter was 'made' in June 2017. The National Planning Policy Framework (NPPF) is also a significant material consideration.

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 6.3 A range of CS policies are relevant to development of this nature. Strategic policy SS1 of the CS sets out the presumption in favour of sustainable development, which is reflective of the positive presumption that lies at the heart of the NPPF. Policy SS1 confirms that proposals which accord with the policies of the Core Strategy (and, where relevant, other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.
- 6.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020 and the review process is currently underway. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the most relevant policies of the CS – which are considered to relate to promoting sustainable rural housing growth and safeguarding features of environmental value – have been reviewed and are considered to be consistent with the principles established by the NPPF. As such, it is considered that they can still be attributed significant weight.
- 6.5 The NPPF sets out that all planning decisions should apply the presumption in favour of sustainable development. The manner in which this should be applied is defined at Paragraph 11 of the NPPF. Paragraph 11 c) directs that proposals which accord with an up-to-date development plan should be approved without delay. At 11 (d), the framework states that where the policies most important for determining the application are ‘out-of-date’ planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or the application of the policies in the framework provides a clear reason for refusing the proposal. At footnote 8, it is confirmed that a failure to demonstrate a five year supply of housing and requisite buffer in accordance with paragraph 73 will render policies relevant to delivering housing out-of-date.
- 6.6 The most recent Annual Monitoring Report for Herefordshire was published in July 2021. This sets out that the supply figure for Herefordshire currently stands at 6.9 years. The Council is therefore currently able to demonstrate well in excess of a five year supply of housing land. This means that the policies of the Herefordshire CS and the 2017 Pyons Group NDP are considered to be up-to-date and can be afforded full weight in the decision making process.
- 6.7 In the context of a proposal involving the delivery of housing, the CS sets out the spatial strategy and policy RA1 states that Herefordshire’s rural areas will deliver a minimum of 5,300 houses across the plan period. For the Pyons Group, this equates to delivering an 18% growth in housing. RA2 goes on to identify the settlements which are to be the focus of new housing which, at figure 4.14, includes Bush. The policy states that new development will be supported within or adjacent to the built up form of the settlement or, where a neighbourhood plan is advanced, within settlement boundaries (or any reasonable alternatives).
- 6.8 The adopted NDP (2017) recognises that the settlement of Bush Bank straddles two parish boundaries, however it reaffirms that the western portion that falls within the Pyon Group is an appropriate location for new housing growth through policy PG7. The policy does not define a settlement boundary, but sets out that a limited number of new homes will be accommodated in Bush Bank in accordance with the following criteria:
- i. Housing development will be supported where it meets the requirements of Core Strategy Policy RA2;

- ii. Emphasis will upon the provision of selfbuild homes, custom-build housing and affordable housing;
- iii. Development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area, including capacity, and on the living conditions of residents particularly arising from noise generated by any traffic movement;
- iv. Development shall complement the village character with no development extending unreasonably into the plot beyond the depth of neighbouring buildings;
- v. Dwellings should be in scale with the general density and massing of existing properties in the vicinity and not adversely affect the amenity of adjacent properties;
- vi. Development should not result in the loss of important features such as trees, hedgerows, or small frontage gaps or green spaces that contribute to the unique character of the village;
- vii. Development should not adversely affect the significance of heritage assets, including their setting;
- viii. New housing should provide a mix of house types and tenures, with an emphasis upon family accommodation for young people or dwellings suitable for older people.

6.9 In the absence of a defined settlement boundary for Bush Bank within the adopted development plan, the acceptability of the site's location is to be assessed with regards to its relationship with the 'main built up form' of the village as per policy RA2 and PG7. In this case, the site lies at the end of an established ribbon of wayside development that fronts the C1094 and extends westward from its junction with A4110. The site is adjoined by housing on its eastern side and housing is found on the opposite side of the road to the south (Fig 4). As such, it is considered that the site is located adjacent to the main built up form of Bush Bank. In a purely locational sense, the principle of the development can thus be supported by polices RA2 and PG7.



Figure 4: Location of site relative to built-up form of Bush Bank

6.10 It is noted that a number of comments have been received from the Parish Council and local residents stating that there is no proven need for additional housing in Bush Bank. In this sense, it is acknowledged that the Pyons Group has performed well in terms of housing delivery and has already exceeded its 18% minimum growth target by a notable margin (mainly as a result of development in Canon Pyon). However, it is stressed that these growth targets are a minimum – not a ceiling. The fact that the parish's minimum growth target has already been met would not be a legitimate reason to refuse permission for any further housing and there is no policy

requirement for housing need to be proven where the site is otherwise shown to be sustainably located in accordance with development plan policies RA2 and PG7 – as is the case here.

- 6.11 At this point, it is also acknowledged that the Pyons Group Parish is currently in the process of reviewing their Neighbourhood Development Plan. A draft version of the plan (dNDP) was submitted to Herefordshire Council on the 25th January 2021 and a Regulation 14 public consultation was carried out between the 1st February and 15th March. The emerging dNDP seeks to pursue a revised spatial strategy towards development in Bush Bank and a draft settlement boundary is defined as part of policy PG1. The associated text sets out that new housing will only be supported within Bush Bank where it is located within a defined settlement boundary. The draft policy map is shown in Figure 5 below, where it can be seen that the site lies outside of (but immediately adjacent to) the draft settlement boundary:

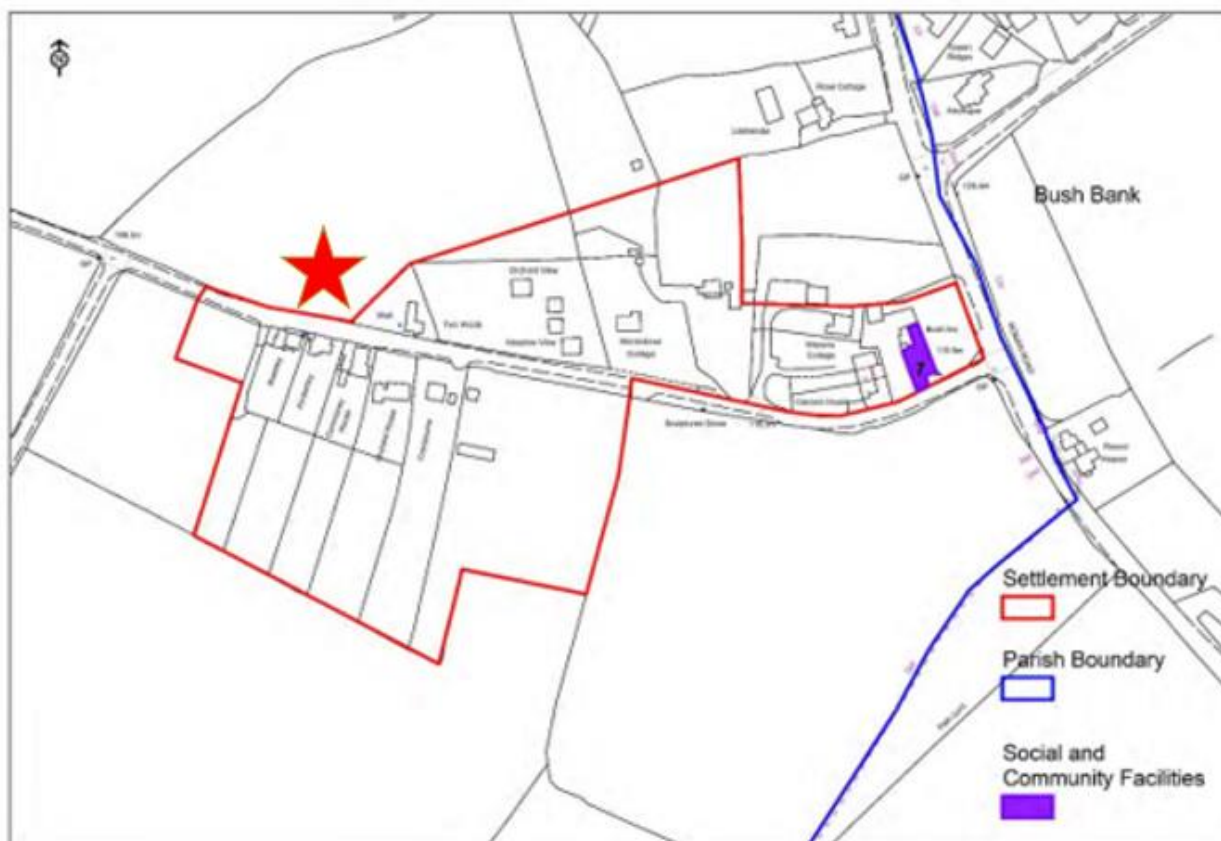


Figure 5: Site location relative to draft settlement boundary for Bush Bank

- 6.12 The location of the site is such that there is tension with policy PG1 of the emerging dNDP. However, at this point the dNDP is at the drafting stage only and does not form part of the statutory development plan. Paragraph 48 of the NPPF nonetheless directs that Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

- 6.13 The dNDP is currently only at an early stage of preparation, having reached first draft stage under Regulation 14. At this stage, consultations are undertaken by the Parish Council and hence Herefordshire Council has not had sight of any representations received during the plan

consultation process. As the decision maker, the LPA is therefore unable to evaluate the extent of any unsolved objections. The Council's Neighbourhood Planning Team has advised that the draft of the plan is in general conformity with the Core Strategy and NPPF – however in the short term the plan would not be able to progress to consultation with a basic conditions statement that confirms compliance with the Conservation of Habitats and Species Regulations 2017 given location of the parish in the catchment of the River Lugg of the SAC.

- 6.14 Taking the above together, it is considered that the weight which can be afforded to the emerging dNDP is currently limited. The conflict with draft policy PG1 and the settlement boundary set out therein would hence not warrant the application being refused. At this point in time, the 2017 version of the Pyons Group NDP remains the statutory development plan and the LPA is required to determine the application in accordance with this - unless material considerations indicate otherwise. When assessed against the 2017 version of the NDP and CS policy RA2, the proposal site is in a location where the principle of new housing development is supported. There is hence no conflict with found with the CS or NDP in this sense.

Local Character, Design and Appearance

- 6.15 In the context of residential development in identified settlements, policy RA2 requires that schemes result in high quality developments that are appropriate to their context and make a positive contribution to the surrounding environment. This is reinforced by SD1, which is relevant to design matters and requires that proposals take into account the site context and local characteristics, with schemes being designed to maintain local distinctiveness through detailing and materials, respecting scale, height, proportions and massing of surrounding development. Policy PG9 of the NDP also sets out a number of criteria relating to new residential development, and amongst other things requires that proposals achieve high standards of architecture and incorporate features which are distinctive to the local area. As set out above, policy PG7 contains a number of criteria for new development in Bush Bank which includes that ix) development shall complement the village character with no development extending unreasonably into the plot beyond the depth of neighbouring buildings and x) dwellings should be in scale with the general density and massing of existing properties in the vicinity.
- 6.16 The 'centre' of Bush Bank is typically taken to be the intersection of the A4110 and the C1094 near to the Bush Inn public house. The C1094 extends westerly away from this and development is characterised by wayside dwellings that are predominantly a single plot deep. The site continues this established pattern of development and as such I am satisfied that the site selection and layout has been positively influenced by the local context. The dwellings are orientated to address the highway in line with neighbouring buildings and the single plot depth ensures there is no tension with PG7 ix. When travelling on the C1094, the low density of the plots and the single storey massing of the buildings would ensure a sense of spaciousness that softens the transition between the open countryside and the village. I am therefore satisfied that that the scheme would assimilate well to the setting and would not adversely affect character.
- 6.17 An examination of the local context shows a wide range of architectural styles which includes traditional timber framed cottages and more recent dwellings of brick and render. Buildings are typically modestly proportioned and display traditional features such as narrow building spans and vernacular rural features. The scheme here seeks to take direction from traditional 'cart-shed' style buildings and delivers accommodation across a single storey with an 'L' shaped footprint. The design reflects traditional rural vernacular through features such as the steeply pitched roof and the simple massing that is relatively free of protrusion. The arrangement of fenestration and associated detailing seeks to again emulate an agrarian character, with the arrangement to the roadside being redolent of stables, and I am satisfied that this is appropriate to the semi-rural character. The use of brick, natural slate and timber detailing is broadly appropriate to context, however it is recommended that specific details be secured by condition. A condition is also recommended to secure the finished levels for the buildings.

- 6.18 In light of the above, the details of the scheme in respect of design and local character are not considered to give rise to harm or conflict with relevant development plan policies.

Highways and Access

- 6.19 In respect of matters pertaining to highways safety Core Strategy policy MT1 is applicable, and this requires that proposals demonstrate that the strategic and local highway network can absorb the traffic impacts of the of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development. It also requires under (4) that developments are designed and laid out to achieve safe entrance and exit and have appropriate operational and manoeuvring space, having regard to the standards of the Council's Highways Development Design Guide. Policies PG7 and PG8 from the NDP sets out similar requirement, with the former in particular stating that 'development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area, including capacity, and on the living conditions of residents particularly arising from noise generated by any traffic movement'.
- 6.20 The proposed development would be served by a new shared access onto the C1094 approximately at the centre of the site. The geometry of the highway in this location is generally straight and the existing roadside hedgerows would be translocated to deliver visibility splays of 2.4m x 72 to the west and 2.4m x 51m to the east. The Council's Transportation Manager has confirmed that these splays are acceptable with regards to the nature of the local network and are adequate to ensure that safe access can be achieved. A condition is recommended to secure their delivery. The internal layout makes adequate provision for the parking and manoeuvring of vehicles, and a condition is recommended to secure storage for cycles. Subject to this being imposed, the Transportation Manager has offered no objections to the scheme and there is no conflict with policies MT1, PG7 or PG8 found.

Ecology and Green Infrastructure

- 6.21 Policy LD2 of the CS states that all development proposals should conserve, restore and enhance the counties biodiversity assets wherever possible. Amongst other things, this should be achieved through the retention and protection of nature conservation sites and habitats in accordance with their status. In relation to trees and green infrastructure. Policy LD3 of the CS requires that development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure such as trees, woodlands and hedgerows. From the NDP, policy PG9 states that development should ensure landscape and biodiversity proposals form an integral part of the site's design, with particular regard to trees and hedgerows being retained unless their value is deemed low following surveys in accordance with established practice. Policy PG7 also states that schemes in Bush Bank should not result in the loss of important features such as trees, hedgerows, or small frontage gaps or green spaces that contribute to the unique character of the village.
- 6.22 The application in this case is supported by an ecological survey of the site and its environs. The majority of the site is currently laid to commercial orchard underlain with mown grass, which offers relatively little in terms of ecological value. There is however an established mixed species hedgerow on the roadside boundary which would be impacted by the development, with the supplied plans showing it to be translocated to deliver required visibility splays. The supplied report has considered this impact and has set out a range of mitigation measures, as well as compensation in the form of 160m of new hedgerow planting at the site boundaries. The Council's Ecologist has reviewed the scheme and has not identified any significant harm which would bring the scheme into conflict with policy. A range of conditions are recommended to secure implementation of the report's recommendations, as well as to secure further details such as a method statement for the hedgerow translocation and measures for biodiversity enhancement to ensure biodiversity and protected species are accounted for.

- 6.23 In the short term, the translocation of the existing hedgerows would lead to some impacts upon the local verdant character that PG7 seeks to protect. However, the hedgerow would ultimately be retained in an alternative location and further enhancement would be offered by the new planting around the remainder of the site boundaries. Within the plots themselves, it is proposed to plant a number of native fruit trees as part of the landscaping strategy. Implementation of this will be secured by way of condition. Subject to this, there is no policy conflict found.

Residential Amenity

- 6.24 Policy SD1 of the CS requires that development proposals safeguard residential amenity for existing and proposed residents, for instance in terms of overlooking, overshadowing or overbearing. From the NDP, policies PG7 and PG9 require that new housing should not adversely affect the amenity of adjacent properties and should protect privacy. This accords with the principles set out by the NPPF with regards to securing good standards of amenity for all existing and future occupants of land and buildings.
- 6.25 The proposal here is for housing, which is not inherently noise generating and is thus considered compatible with neighbouring residential uses. It is noted that concerns were initially raised by local residents regarding the potential for noise emanating from pumps associated with the foul water management system, however the technical details of this scheme has since been amended to negate the need for any mechanical pumping. As such, there is no potential for impact in this regard and the Council's Environmental Health Officer has confirmed she has no objections in terms of noise and nuisance.
- 6.26 The dwellings themselves are well spaced within their plots and allow for a good degree of separation between neighbouring dwellings. The orientation of fenestration and the single storey nature of the buildings also ensures that there would be no detriment to neighbours through means of overlooking, overbearing or overshadowing. As such, no conflict with policies SD1, PG7 or PG9 has been found.

Sustainable Design and Energy Efficiency

- 6.27 SS7 of the CS sets the strategic objective for all development proposals to include measures which help mitigate the impact upon climate change. This includes locating development in the most sustainable locations; reducing the need to travel; and designing development to reduce carbon production and promote the efficient use of resources. Policy SD1 also states that development will be supported where it utilises physical sustainability features such as orientation of buildings, water conservation measures; cycle storage and renewable energy generation. PG9 (iii) also sets out that development should contain physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, cycle and recycling storage, broadband infrastructure, and renewable energy infrastructure such as photovoltaic panels.
- 6.28 The application has completed the Climate Change and Ecology measures checklist introduced following the declaration of these emergencies by the Council. It sets out that the dwellings would be delivered to high standards of energy efficiency, with air source heat pumps and solar panels being utilised to provide renewable energy. The orientation of the dwellings, with their principal elevation and large roof slope facing due south, would help to facilitate this. A condition is recommended to secure full details of the scheme of renewable energy generation. Therefore, I am satisfied that the scheme has taken reasonable effort to implement sustainable design practices and I do not identify any conflict with SS7, SD3 or PG9.

Foul and Surface Water Management

- 6.29 In relation to foul water management, policy SD4 sets out a hierarchal approach whereby a connection to the mains sewer is the preferred option of management. Where this is not possible,

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

private alternatives should be provided with the order of preference being package treatment plants with discharge to a soakaways, septic tanks, and (in exceptional circumstances) cess pits. In all circumstances, proposals will need to demonstrate that the development would have no likely significant unmitigated adverse effect on water quality and the River Wye Special Area of Conservation (SAC). This requirement is reinforced by policy LD2 and the Council has a statutory duty to consider the impact of development upon the River Wye SAC under the Conservation of Habitats and Species Regulations.

- 6.30 The settlement of Bush Bank does not benefit from a mains sewer network. It is therefore proposed to manage foul water through the use of individual package treatment plants within the curtilage of each unit, which accords with the hierarchal approach endorsed by SD4. Outfall from each plant would be directed by a gravity fed system to a drainage mound on agricultural land within the Applicant's control to the north west. Tests on site have shown ground conditions to be suitable for such an arrangement and the Council's Land Drainage Engineer has offered no objections to the proposed scheme, subject to technical details being secured by condition.
- 6.31 In respect of surface water, policy SD3 of the Core Strategy requires measures for sustainable water management to be an integral element of new development in order to reduce flood risk and avoid an adverse impact upon water quantity. In this case, infiltration tests have been undertaken on site and these have shown ground conditions not to be suitable for the use of conventional soakaways to manage surface water. It is therefore proposed to implement a scheme of on-site attenuation with a controlled rate of discharge to a nearby ditch. The Council's Land Drainage Engineer has confirmed that this arrangement is acceptable and would ensure that the development would not lead to any increase in runoff rates over the greenfield level. No policy conflict is hence found, subject to technical details being secured by condition.

Habitats Regulations Assessment

- 6.32 With respect of the Council's duties under the Conservation of Habitats and Species Regulations, the site here lies within the catchment of the River Lugg which, in turn, is a sub-catchment of the River Wye Special Area of Conservation (SAC). Members will no doubt be aware however that the River Lugg is currently failing its conservation targets for phosphate levels. Following a 2018 judgement in the Court of Justice of the European Union on the interpretation of the Habitats Directive ('The Dutch Case'), it has been clarified that where a site is failing its water quality objectives, and is therefore classed as being in an unfavourable condition, there is limited scope for the approval of additional damaging effects. In essence, this means that the Council is currently unable to positively assess applications in the Lugg catchment unless it can be shown with certainty that they would have a neutral impact upon the integrity of the designated site.
- 6.33 The proposal in this case would lead to the generation of additional phosphates contained in foul water created as a consequence of residential occupation. Although this would be managed through a package treatment plant, treatment methods are not effective at fully removing phosphate and hence the outfall from the plant will still contain residual nutrients in this sense. The discharge of this to the local environment is such that that there is a potential pathway for the development to have a 'likely significant effect' on the integrity of the designated site which requires appropriate assessment in accordance with Section 63 of Habitats Regulations.
- 6.34 For the purpose of determining planning applications, the LPA is the competent authority in the application of the Habitats Regulations. In response to the failing status of the River Lugg, it has published a number of position statements setting out the approach to be taken towards proposed development within this catchment which is informed by the advice of Natural England as the relevant statutory body. As above, the broad thrust of the advice is that development can only be permitted where it can be shown with certainty to have a neutral effect upon the integrity of the designated site:

<https://www.herefordshire.gov.uk/downloads/file/22149/position-statement-update-april-2021>

Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

- 6.35 With regards to proposals that utilise package treatment plants with discharge to drainage fields within the Lugg catchment area, the guidance sets out that these would have a low risk of phosphorus having any effect on the designated site provided certain criteria are met. These criteria apply in the case of small discharges (less than 2m³/day) and are as follows:
- a) The drainage field is more than 50m from the designated site boundary (or sensitive interest feature) and;
 - b) The drainage field is more than 40m from any surface water feature e.g. ditch, drain, watercourse, and;
 - c) The drainage field is in an area with a slope no greater than 15%, and;
 - d) The drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
 - e) The drainage field will not be subject to significant flooding, e.g. it is not in flood zone 2 or 3m and;
 - f) There are no other known factors which would expedite the transport of phosphorus for example fissured geology, insufficient soil below the drainage pipes, known sewer flooding, conditions in the soil/geology that would cause remobilisation phosphorus, presence of mineshafts, etc and;
 - g) To ensure that there is no significant in combination effect, the discharge to ground should be at least 200m from any other discharge to ground.
- 6.36 The scheme in this case has sought to provide a foul water management system which complies with the criteria above. The proposal for two dwellings means the development would generate foul water discharges below the 2m³/day threshold and the management system has been designed specifically to avoid conflict with any of the relevant requirements. The Land Drainage Engineer has advised that they consider the scheme to acceptable from a technical standpoint. The Council's Ecologist is however ultimately responsible for assessing the proposal with regards to the Habitats Regulations and he has completed an Appropriate Assessment as required by Section 63 of the regulations. The assessment has regard to the information and evidence supplied by the Applicant, as well as GIS data supplied to the Council by Natural England. The assessment concludes that the scheme as presented would comply with the relevant criteria and hence there would be no pathway for foul water generated by the development to have an adverse impact on the integrity of the River Lugg and River Wye SAC. Likewise, the surface water management arrangements are appropriate to ensure there is no pathway for impact by this means either.
- 6.37 This assessment has been subject to consultation with Natural England and their response confirms that they agree with the Council's conclusion that the development would have no adverse impact on the integrity of the River Lugg or River Wye SAC, subject to conditions being imposed to secure the drainage arrangement in perpetuity. The scheme is hence considered to safeguard water quality and designated conservation sites and there is no conflict with development plan policies LD2 and SD4, or the requirements of the Conservation of Habitats and Species Regulations (2017) (as amended).

Planning Balance and Conclusions

- 6.38 The application is to be considered in the context of the presumption in favour of sustainable development as required by the NPPF. This means approving development that accords with the development plan without delay.
- 6.39 The ability to demonstrate a five year housing land supply is such that the policies of the development plan can be afforded full weight for decision making. In this case, the adopted development plan comprises the Core Strategy and the Pyons Group NDP (2017 version). The application must be determined in accordance with this, unless material considerations indicate

otherwise. Although a review of the Pyons Group NDP is currently underway, the first draft of this is at Regulation 14 stage and hence it can be afforded only limited weight.

- 6.40 Bush Bank is a settlement which has been identified as a sustainable location for new housing growth within the spatial strategy of the development plan. The site in this case is located immediately adjacent to the main built-up form of the village and hence the principle of the development here is supported by policies RA2 and PG7. Although there is tension with the emerging policies of the dNDP review, this may be afforded only limited weight and does not amount to harm which is sufficient to direct that a decision should be taken in departure from the policies of the statutory development plan.
- 6.41 The specific details of the proposal do not give to any other material harms or conflicts with the policies of the development plan. No objections have been received from any technical consultee which would suggest that a recommendation of refusal would be justified.
- 6.42 Overall therefore, the scheme is considered to accord with the policies of the development plan and is hence found to be representative of sustainable development. The scheme benefits from the positive presumption and it is recommended that permission be granted, subject to the conditions set out below.

RECOMMENDATION

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

- 1. C01 – Time limits for implementation**
- 2. C06 – Development in accordance with approved plans**
Pre-commencement Conditions
- 3. Prior to the commencement of development, a detailed plan showing the levels of the existing site, the proposed slab levels of the approved dwellings and a fixed datum point outside of the site shall be submitted to and be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: In the absence of sufficient detailed information, the clarification of slab levels is a necessary initial requirement before any groundworks are undertaken so as to define the permission and ensure that the development is of a scale and height appropriate to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

Conditions Requiring Discharge

- 4. With the exception of site clearance and groundworks, no development shall take place until details pertaining to the following matters have been submitted to and approved in writing by the Local Planning Authority:**
 - a) Details and/or samples of materials for external walls and roofs**
 - b) Details of all windows and doors (and associated panelling detail)**
 - c) Details and/or samples of rainwater goods**

The work shall subsequently be carried out in full accordance with such approved details.

Reason: To ensure the scheme is carried out in accordance with details that are conducive with securing a high quality development which respects the character and amenity of the area in accordance with policies RA2, SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policy PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

- 5. Prior to any works to or removal of the existing roadside hedgerow commencing, a Translocation and Management plan shall be submitted to the LPA for written approval. The supplied plan must include a detailed method statement, establishment maintenance and ongoing management details. The approved plan shall subsequently be implemented and the hedgerow thereafter maintained in full as stated, unless otherwise approved in writing by the local planning authority.**

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

- 6. Prior to the first occupation of the development hereby approved, a detailed design specification for the foul water management scheme shown on approved plan 100A shall be 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 dwellings hereby permitted.**

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies LD2 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 7. Prior to the first occupation of the development hereby approved, a detailed design specification for the surface water drainage system (including confirmation of orifice size, headwall design and, if applicable, Ordinary Watercourse Flood Defence Consent) shall be 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 dwellings hereby permitted.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

- 8. With the exception of site clearance and groundworks, no further development shall take place until full details of the proposed scheme of renewable energy generation (solar panels and air source heat pumps as outlined in the Climate Change Checklist supplied on 2nd March 2022) have been supplied to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented as approved prior to the first occupation of the dwellings.**

Reason: To ensure the scheme is carried out in accordance with the stated intention to incorporate renewable energy generation to help mitigate the impact upon the climate and secure a sustainable form of development which accords with policies SS7 and SD1 of the Herefordshire Local Plan – Core Strategy, policy PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

9. The construction of the vehicular access shall be carried out in accordance with a specification to be submitted to and approved in writing by the local planning authority, at a gradient not steeper than 1 in 12.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby permitted full details of a scheme for the provision of covered and secure cycle parking facilities within the curtilage of each dwelling shall be submitted to the Local Planning Authority for their written approval.. The covered and secure cycle parking facilities shall be carried out in strict accordance with the approved details and available for use prior to the first use of the development hereby permitted. Thereafter these facilities shall be maintained in perpetuity.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform to the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

11. Prior to first occupation of any dwelling approved under this consent the legally binding details of how all shared aspects of the foul and surface water drainage scheme will be managed for the lifetime of the development shall be supplied to the Local Planning Authority for written approval. The approved management scheme shall be hereafter implemented in full unless otherwise agreed in writing by the Local Planning Authority

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4

Compliance Conditions

12. All planting, seeding or turf laying in the approved landscaping scheme shown on plan 1823.00A shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, policies PG7 and PG9 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

13. Before any other works hereby approved are commenced, visibility splays, and any associated set back splays at 45 degree angles shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 72 metres to the west and 51 metres to east along

the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy, policy PG7 and PG8 of the Pyons Group Neighbourhood Development Plan and the National Planning Policy Framework

14. All foul water shall discharge through plot specific Package Treatment Plants with final outfall discharging to a shared system utilising a drainage ‘mound’ on land under the applicant’s control; and all surface water discharging through a shared system with a regulated flow discharge to a local watercourse under the applicant’s control.; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2, SD3 and SD4.

15. The ecological protection, mitigation, compensation and working methods scheme including the Biodiversity Enhancements, as recommended in the ecology report by Ecology Services dated November 2021 shall be implemented and hereafter maintained in full as stated unless otherwise approved in writing by the local planning authority.

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

16. At no time shall any external lighting except low power, ‘warm’ LED lighting in directional downlighters on motion operated and time-limited switches, required in relation to the immediate safe use of the approved development, be installed or operated in association with the approved development and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority. All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019’ (the ‘Habitats Regulations’), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

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.

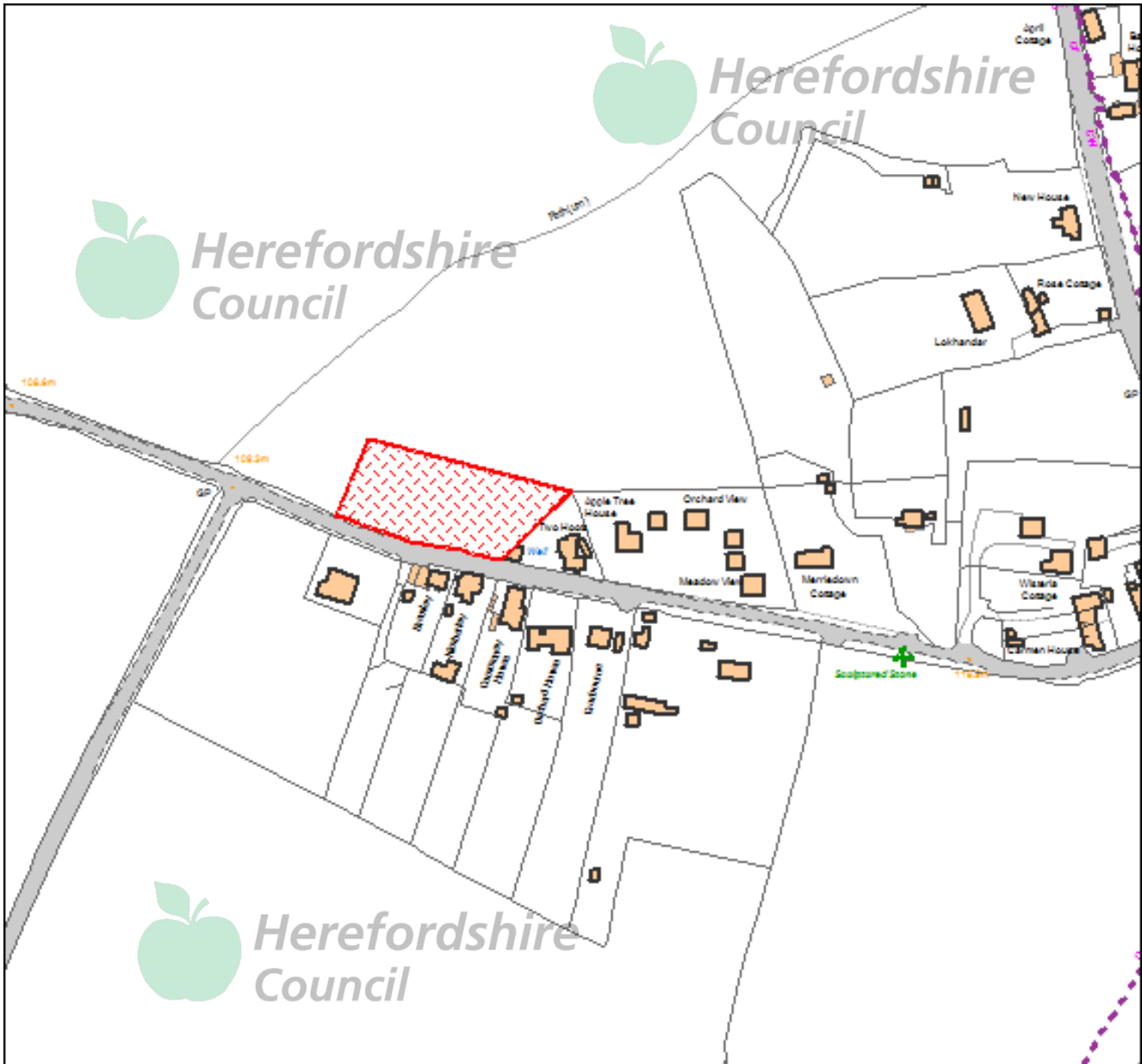
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 212634

SITE ADDRESS : TWO HOOTS, BUSH BANK, HEREFORDSHIRE, HR4 8EJ

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Further information on the subject of this report is available from Mr Adam Lewis on 01432 383789

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	6 MAY 2022
TITLE OF REPORT:	213842 - PROPOSED CONSTRUCTION OF OUTDOOR CLASSROOM AT CLEHONGER CHURCH OF ENGLAND PRIMARY SCHOOL, GOSMORE ROAD, CLEHONGER, HEREFORD, HR2 9SN For: Mrs Honey per Mr Matt Hobby, Easters Court, Leominster, Herefordshire, HR6 0DE
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=213842&search-term=clehonger%20school
Reason Application submitted to Committee – Council land	

Date Received: 14 October 2021 Ward: Stoney Street Grid Ref: 345197,237527

Expiry Date: 14 April 2022

Local Members: Cllr D Hitchiner

1. Site Description and Proposal

- 1.1 The site comprises of Clehonger Church Of England Primary School which is accessed from Gosmore Road in the heart of the Village. The school is surrounded in close proximity to a number of residential dwellings, with the outdoor space being to the rear of the site.
- 1.2 The proposal is for the erection of an outdoor class room to the West of the site. The structure will replace an existing canopied area adjacent to the playground to the rear of the school. The application has an amended plan which shows that the structure will comprise of a timber frame with horizontal weatherboarding to the full height to the North & West elevations. The structure will have an overall height of 4.495 metres and length of 14 metres and a width of 5 metres.

2. Policies

2.1 Herefordshire Local Plan - Core Strategy (CS)

- SS1 – Presumption in favour of sustainable development
- SS6 – Environmental quality and local distinctiveness
- SC1 – Social and community 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

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

2.2 Clehonger Neighbourhood Development Plan (Made 7 June 2021)

Policy C1 – Sustainable development
Policy C6 – Design

2.3 National Planning Policy Framework 2021 (NPPF)

Chapter 2: Achieving sustainable development
Chapter 4: Decision making
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places

2.4 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

3. Planning History

3.1 092399/F – Proposed erection of fencing and hardstanding to the front of the school – Approved with conditions

+ Various historic records

4. Consultation Summary

4.1 Statutory Consultations – None

4.2 Internal Council Consultations

4.2.1 Transportation – No Objection

April 2022– Additional comments were received and confirmed that as the pupil numbers are not increasing there are no objections to the proposals.

4.2.2 Environmental Health (Noise) – The applicant has supplied an updated site plan which has the west elevation to the outdoor classroom as timber. From a noise and nuisance perspective our department has no objection to the updated site plan and proposal.

5. Representations

5.1 Clehonger Parish Council – Comments

The Clehonger Parish Council are in support of the application but would just make the observation that attention is drawn to minimising noise nuisance, from the open classroom, as far as possible for neighbouring properties.

5.2 Representations

Mrs J M Rider – Objection

'I wish to strongly object to the planning application P213842/F Proposed construction of outdoor classroom at Clehonger primary school. It is extremely close to my property of Windrush, School Lane and is adjacent to the private rear garden of my property, this is now more evident the illegal removal of some specimen holly trees from my property by the school contractor in November this year. I have become used to the playground noise at break, lunchtimes and the occasional PE lesson especially over the years as the village has grown and the numbers attending the school are growing. This this outdoor classroom is intended to be used all day. Unlike children playing who use the whole of the playground these children will be confined to a very small area right next to my home and garden seating area.

As I understand it 'Forrest' type schoolrooms are intended to be lively places where children are wrapped up in all weathers to actively engage with their outdoor environment on a regular basis. The idea of an open classroom with no windows and doors to keep the noise and disturbance in, would be unacceptable. Its use all day and all year round by various year groups would be a complete nuisance to my enjoyment of my private rear garden. I should also add my enjoyment of my garden could be a complete nuisance to the outside classroom when powered gardening equipment is been used or I am listening to the radio in the garden. I certainly would have no privacy regarding any conversation I might have in my garden and vice versa to their classroom.'

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=213842&search-term=clehonger%20school

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."

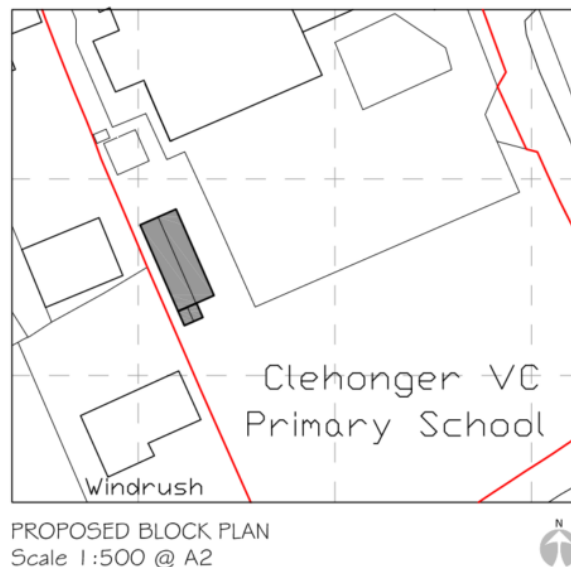
6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Clehonger Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 7 June 2021 and therefore forms a part of the Development Plan.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was made on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

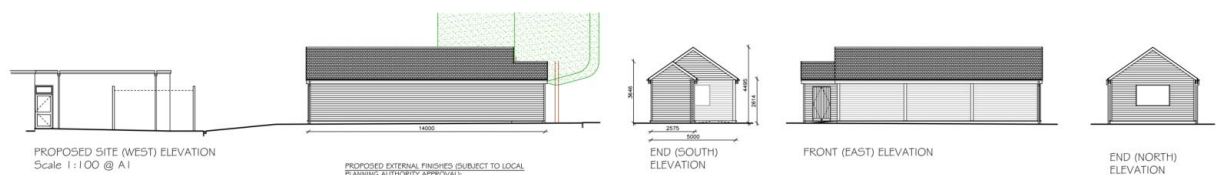
Further information on the subject of this report is available from Ms Laura Smith on 01432 383244

In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

- 6.4 CS Policy SD1 states that development should be designed to maintain local distinctiveness, achieved through the incorporation of architectural detailing and the use of appropriate materials. Development should safeguard amenity of existing residents and ensure new development does not contribute to, or suffer from, adverse impacts arising from noise, light or air contamination and therefore scale, height and proportion needs consideration.
- 6.5 CS Policy LD1 is also relevant and states that development proposals should be influenced by the existing landscape in regards to design, scale, nature and site selection. This is also further relevant to policy C6 of the NDP which states that proposals should avoid creating unacceptable impacts on residential amenity and tranquillity from noise, volume and nature of traffic generated light, dust or odour.
- 6.6 This proposal is for an outdoor classroom of made up of a relatively modest shelter to provide a covered area for general use by children. The building will be positioned to the west of the site and will replace the use which is currently carried out by the porta cabin on site which is being removed.



- 6.7 The building will be made up a timber structure with horizontal weatherboarding to the north & west elevations and to furniture store, with timber boarded decking over suspended timber joist framework with all timber being stained. The roof will be made up if mineral felt tiles with the rainwater goods being black PVCu discharging to round downpipes.



- 6.8 One objection was received to the site notice from the immediate neighbouring dwelling to the west, which outlines concerns regarding the additional noise created as a result of this new

structure. The comment accepts that noise is inevitable due to the nature of the school however this is currently restricted to break and lunchtimes and concerns were with this new building the noise would be throughout the day in a space adjacent to the garden. The Environmental Health's Noise officer was consulted and undertook a site visit to the neighbouring dwelling as a result of this objection and considered that some impact from the building will occur. Following an on-site visit with the agent, Head teacher, planning officer and Environmental Health Officer, amended plans were received which show the boarding to the outbuilding rises to the full length of the building instead of half way. This was considered to mitigate any noise that may arise from the outdoor classroom. Other locations for the outdoor classroom were discussed but those suitable would of resulted in a loss of green space which given the limited space the school have would not of been an acceptable alternative.

- 6.9 As such, in terms of design and impacts upon amenity, the amended proposed address concerns and officers would conclude that requirements of policy SD1 of the Core Strategy and C6 of the Clehonger Neighbourhood Development Plan NDP are considered to have been met.
- 6.10 With the proposal providing additional learning and recreational space for pupils, it is considered that the proposal is a justifiable form of sustainable development in accordance with the development plan, taken as a whole, benefitting under Policy SS1 of the CS and Paragraph 11c) of the NPPF.

RECOMMENDATION

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

1. **Time limit for commencement (full permission)**
2. **Development in accordance with approved plans 349-02 Rev C & 349-03 and materials**
3. **The outdoor classroom shall be used only during the school day only.**

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy C6 of the Clehonger Neighbourhood Development Plan and the National Planning Policy Framework.

4. **Prior to the first use of the building hereby permitted, the building shall be completed in accordance with the approved plans 349-02 Rev C & 349-03 and materials.**

In the interests of the amenities of existing residential property in the locality and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policy C6 of the Clehonger Neighbourhood Development plan and the National Planning Policy Framework

INFORMATIVES:

1. **Application Approved Following Revisions**

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.

2. It is recommended that all surface water shall discharge to appropriate soakaway-infiltration features; unless otherwise agreed in writing by the Local Planning Authority. Water conservation and efficiency measures shall be maintained for the lifetime of the development.

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	6 MAY 2022
TITLE OF REPORT:	220137 – CONSTRUCTION OF A 50 SEATED AND 50 STANDING STAND AND INSTALLATION OF A TANNOY SYSTEM AT COUNTY GROUND OFFICES, HEREFORD, HEREFORDSHIRE, HR4 9NA For: Mr Daniel Chance, County Ground Offices, Hereford, Herefordshire, HR4 9NA
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220137
Reason Application submitted to Committee – Staff Member Interest (Applicant)	

Date Received: 17 January 2022 Ward: Widemarsh Grid Ref: 350709,240855
Expiry Date: 8 May 2022 (EOT agreed)

Local Member: Cllr Polly Andrews

1. Site Description and Proposal

- 1.1 The site comprises an existing 3G artificial grass pitch (AGP) that forms part of a cluster of built development associated with the Herefordshire Football Association (HFA) and Hereford Lads Club, adjoining Widemarsh Common. The site lies wholly within the Widemarsh Common Conservation Area and within Flood Zones 2 and 3. To the north-west of site, there is a pair of semi-detached residential dwellings. To the west is Moor Walk, a PROW and cycleway, linking the site with Hereford city centre. The application site boundary is denoted by fencing, which surrounds the 3G AGP. Access to site is taken off Widemarsh Common Road, passing through Lads Club carpark and into the gated HFA car park. An existing 100 person seated stand presently lies immediately south of the 3G AGP.
- 1.2 This application seeks full planning permission to construct a 50 person seater stand (measuring 8.5 metres by 3 metres by 3.2 metres, approximately), and a 50 person covered standing only stand (measuring 9 metres by 2.25 metres by 3.2 metres, approximately), which are to be located to the north-west of the 3G AGP, and the proposed installation of a tannoy system, which will have two speakers installed, one at the end of each stand.
- 1.3 In addition to the deposited plans and elevations, this application is supported by a flood risk assessment letter/report and details of the proposed tannoy system.

2. Policies

- 2.1 **Herefordshire Local Plan – Core Strategy**
 - SS1 – Presumption in favour of sustainable development
 - SS4 – Movement and transportation
 - SS6 – Environmental quality and local distinctiveness
 - SS7 – Addressing climate change

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

HD1 – Hereford
HD3 – Hereford movement
SC1 – Social and community facilities
OS1 – Requirement for open space, sport and recreation facilities
OS2 – Meeting open space, sport and recreation needs
OS3 – Loss of open space, sport and recreation facilities
MT1 – Traffic management, highway safety and promoting active travel
LD1 – Landscape and townscape
LD2 – Biodiversity and geodiversity
LD3 – Green infrastructure
LD4 – Historic environment and heritage assets
SD1 – Sustainable design and energy efficiency
SD3 – Sustainable water management and water resources

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

2.2 National Planning Policy Framework (July 2021)

Section 2 – Achieving sustainable development
Section 4 – Decision-making
Section 8 – Promoting healthy and safe communities
Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 14 – Meeting the challenge of climate change, flooding and coastal change
Section 15 – Conserving and enhancing the natural environment
Section 16 – Conserving and enhancing the historic environment

The NPPF together with any relevant supplementary documentation can be viewed using the following link:- <https://www.gov.uk/guidance/national-planning-policy-framework>

2.3 National Planning Practice Guidance (PPG)

PPG together with any relevant supplementary documentation can be viewed using the following link:- <https://www.gov.uk/government/collections/planning-practice-guidance>

2.4 Hereford Area Plan

The Hereford Area Plan was intended to set out detailed proposals to ensure the delivery of the targets for the city in the adopted Core Strategy. However, on 9 November 2020 the Cabinet Member for Infrastructure and transport agreed that work on the Hereford Area Plan should be stopped with immediate effect and that any elements of the evidence base collected so far should be used as part of the new Local Plan (the revision of the Herefordshire Core Strategy).

3. Relevant Planning History

- 3.1 P220047/XA2 – Application for approval of details reserved by conditions 5 6 7 8 9 10 & 11 attached to planning permission 204252 – undetermined at time of writing of report
- 3.2 P204252/F – Proposed extension to existing car park to create additional capacity – approved with conditions
- 3.3 P201465/XA2 – Application for approval of details reserved by condition 3 attached to planning permission 182950 – approved
- 3.4 P193641/XA2 – Application for approval of details reserved by conditions 4 & 7 attached to planning permission 182950 – approved

- 3.5 P191424/XA2 - Application for approval of details reserved by conditions 5 6 9 10 & 11 attached to planning permission 182950 – approved
- 3.6 P182950/F – Construction of an external 3G Artificial Turf Pitch (ATP) with fencing and a storage container – approved with conditions
- 3.7 P160232/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 with conditions

4. Consultation Summary

Statutory Consultations

4.1 Sport England – No objections

“Thank you for consulting Sport England on the above named application. 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. 99), 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: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy

The proposal and its impact on the playing fields

The proposal relates to the construction of new spectator stands and associated tannoy system on the north-western side of the existing 3G Artificial Grass Pitch (AGP). The stand would serve to provide covered facilities for spectators observing football activities taking place on the pitch. It will therefore be of a benefit to the users of the facility. Sport England has consulted with Football Foundation who comment that the proposal is a joint project between Herefordshire County FA and Hereford Lads Club. It will help the football club to meet their ground grading requirements following promotion and will provide the County FA with additional viewing and sitting areas for spectators attending their festivals and other community football initiatives & leagues. The County FA are supporting via Officer / Personnel input and the football club have been liaising with the Football Foundation's Technical Project Manager regarding a Football Stadia Improvement Fund application in which they will provide the necessary match funding required.

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application. 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 Network Rail – No objections

“Thank you for your email dated 15 February 2022 together with the opportunity to comment on this proposal. Network Rail have no objections in principle to this application. The applicant should engage with Network Rail Asset Protection assetprotectionwales@networkrail.co.uk to determine if a Basis Asset Protection Agreement is needed for these works.”

4.3 Open Spaces Society – No objections

“This application supports ancillary development of an open space in line with Planning Policies SS1 and OS3. It also falls within the remit of Exception 2 of Sport England’s Playing Field Policy. The application is likely to increase usage of the open space as well as benefitting the public generally. Footpath HER7 runs to the north on the west side of the development area. The footpath remains unaffected by the development. There is no objection to this application”.

4.4 Herefordshire Wildlife Trust – No response

4.5 The Ramblers Association – No response

4.6 Hereford & Gloucester Canal Trust – No response

Internal Council Consultations

4.7 Landscape Officer – No objections

“In terms of landscape, there is minimal impact. The development is within the confines of the sports complex, and is of low visual harm to the wider landscape. There is no loss of trees, and the impact on the physical landscape is minor.”

4.8 Transportation Area Engineer – No objections

“If the new stand is to meet grading requirements for the league and to enhance visitor experience rather than attract new visitors then the highway authority has no objection to the application”.

4.9 Open Space Planning Officer – No objections

“Policy: 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.

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 the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, usability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;

Proposal: This application seeks planning consent for an additional 50 seated and 50 standing stand and installation of a tannoy system at the Ted Powell County Ground next to the Herefordshire Football Association headquarters. The site accommodates a full size stadia football pitch which has recently been redeveloped from grass to a 3G Artificial Grass Pitch (AGP). There is an existing 100 seater stand, floodlights and storage container. The location of the

additional seating, stand and tannoy system will be located along the northern boundary of the pitch within a grassed area.

Planning permission 182950 for the redevelopment of the grass pitch to the AGP was granted December 2018. The new AGP was deemed to outweigh the loss of the grass playing pitches in meeting both Sport England and Core Strategy Policies given the benefit arising from an artificial pitch in providing a more sustainable facility, supporting higher usage and the growth of the sport and in meeting unmet demand. The proposal was supported by evidence bases Hereford Playing Pitch Assessment 2012 and the Outdoor Sports Investment Plan and work undertaken by the Football Foundation which identified how many (AGPs) would be required in the county in addition to those already in place to accommodate the deficiencies identified for football.

The new AGP was delivered by the Football Foundation (FF) and Herefordshire Football Association (HFA) with funding from FF, HFA and s.106 monies and met the FF and Ground Grading requirements and specifications. In order to satisfy both the national and local planning policy requirements, the new 3G provides greater community access than previously and as condition of the approved planning permission a community use agreement has been put in place. The facility is used by Westfields FC for home matches and training, but other football clubs, partner organisations and community groups local to the area will also have access to the ground during evenings and weekends.

The additional seating and stands is will support the additional community usage of the facility as described above. As an ancillary facility which will improve the functioning and sustainability of the AGP, the proposal is not seen to be contrary to CS policy OS3 or the NPPF in the resulting loss of natural turf. The area does not form a usable pitch and the facility will form part of the new 3G AGP facility. It is also seen to be is supportive of CS policy SS1 which supports proposals which improve social conditions. I therefore am supportive of the proposal.”

4.10 Land Drainage Engineer – No objections

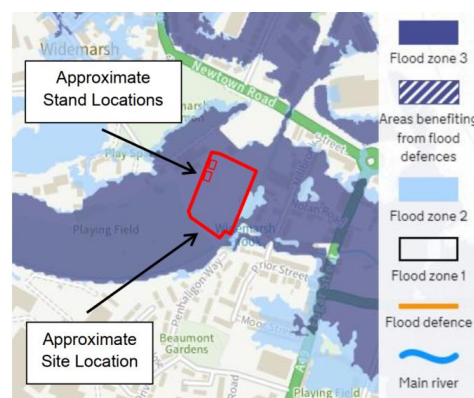
“Our knowledge of the development proposals has been obtained from the following sources: Application for Planning Permission; Location Plan; Block Plan; Flood Risk Assessment Letter Report; Applicant emails with further information, including the Drainage Strategy submitted for Application 191424 (Issue 1).

Overview of the Proposal

The Applicant proposes the construction of a 50 seated and 50 standing stand (approx. 28m2) as part of a football site. Widemarsh Brook flows approx. 30m to the south of the site area. The topography of the site is relatively flat.

Site Location

Figure 1: Environment Agency Flood Map for Planning (Rivers and Sea), March 2022



Flood Risk Fluvial Flood Risk

Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the high probability Flood Zone 3. In accordance with Environment Agency standing advice, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance. This is summarised in Table 1:

Table 1: Scenarios requiring a FRA

	Within Flood Zone 3	Within Flood Zone 2	Within Flood Zone 1
Site area less than 1ha	FRA required	FRA required	FRA not required*
Site area greater than 1ha	FRA required	FRA required	FRA required

*except for changes of use to a more vulnerable class, or where they could be affected by other sources of flooding

The Planning Practice Guidance to NPPF identifies five classifications of flood risk vulnerability and provides recommendations on the compatibility of each vulnerability classification within each of the Flood Zones, as shown in Table 3:

Table 3: Flood risk vulnerability and flood zone compatibility

EA Flood Zone	Essential Infrastructure	Water Compatible	Highly Vulnerable	More vulnerable	Less vulnerable
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	✓	Exception test required	✓	✓
Zone 3a	Exception test required	✓	x	Exception test required	✓
Zone 3b	Exception test required	✓	x	x	x
✓ Development considered acceptable x Development considered unacceptable					

We understand that flood risk information submitted as part of this application confirms that the construction of the proposed grandstand will comprise of a steel portal frame, with voids below, therefore minimising the loss of floodplain storage. The proposed grandstand will be water compatible and during a flood event, the site would not be occupied.

Surface Water Drainage

As part of the new pitch development submitted under Application No. 191424, we understand that extensive drainage works were undertaken. It was found that underlying ground provided some infiltration potential, which would be utilised with an overflow discharge to an existing offsite drainage outfall to Widemarsh Brook. We note that the drainage capacity calculations for the SuDS features, constructed as part of the new pitch development, did not include the additional impermeable area created with the construction of this proposed grandstand application. However, due to the small roof area of the proposed development (approx. 28m²) we accept the Applicants' proposals to discharge surface water runoff to the existing surface water drainage system located beneath the pitch surface.

Foul Water Drainage

There are no foul water facilities proposed as part of the development.

Overall Comment

We have no objections to the proposed development."

4.11 Public Rights of Way Development Officer – No objections "No objection"

4.12 **Environmental Health (Noise & Nuisance) – No objections**

“My comments are from a noise and nuisance perspective. In March 2022 I supplied a holding objection to this proposal on the grounds of lack of information regarding the use and impacts of the tannoy system. Subsequent to this there has been an email exchange between the applicant and the local authority development management department. It is now understood that the tannoy system itself which was the source of my concerns regarding noise may not require planning permission. However, it is also understood that it is only, at any event, to be used in very limited circumstances. On the grounds that the tannoy system is only to be used as a public address system in very limited circumstances, please be advised that I withdraw the holding objection and do not object to the proposal for the seating and standing stands. To clarify things further, I would add that in the event of activities from the premises and the proposal being perceived to cause a noise nuisance to neighbouring residents, our department would retain legal powers and duties under the Environmental Protection Act 1990 to investigate and require the abatement of the nuisance as necessary.”

4.13 **Ecology – No response**

4.14 **Building Conservation Officer – No response**

5. **Representations**

5.1 **Hereford City Council – No response**

5.2 No other representations have been made.

Details of this application are viewable on the Council’s website using the following link:- https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=220137 to which 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

6.1 The proposal is considered in line with the statutory requirements of Section 70(2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states the following: *“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 The adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (‘NPPF’ henceforth) is also a significant material consideration. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the NPPF requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding an application. In this case, the policies relevant to the determination of this application are considered to remain consistent with the NPPF and can be afforded significant weight.

- 6.3 In assessing the proposal, due regard is given to Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, namely a general duty as respects listed buildings and conservation areas in exercise of planning functions.

Principle of development

- 6.4 The proposal relates to the construction of new spectator stands and an associated tannoy system on the north-western side of the existing 3G AGP. The stands serve to provide covered facilities for spectators observing football activities taking place on the pitch, providing some benefit and enhancement of experience to users of the facility. The proposal is a joint project between the HFA and Hereford Lads Club to help the football club (Lads Club FC) meet ground grading requirements following promotion and provide the County FA with additional spectator areas attending festivals and other community football initiatives & leagues.
- 6.5 Having assessed site history, your officers recognise that the previous planning permission, P182950/F, which approved the construction of the 3G AGP, was deemed to outweigh the loss of the grass playing pitches, meeting Sport England guidance, Core Strategy Policies and NPPF guidance, given the benefit arising from an artificial pitch providing a more sustainable facility, supporting higher usage and the growth of the sport and in meeting unmet demand. In order to satisfy both national and local planning policy requirements, the 3G AGP provides greater community access than previously and it was a condition of the approved planning permission for a community use agreement to be put in place. The facility is used by Lads Club FC, but other football clubs (including Westfields FC), partner organisations and community groups local to the area will also have access to the ground during evenings and weekends.
- 6.6 The additional stands will continue to support community usage of the facility as described above. As an ancillary facility, the stands will improve the functioning and sustainability of the AGP, given the proposal is not seen to be in conflict with CS Policy OS3 or NPPF guidance, as recognised by both Sport England and the Council's Open Spaces Planning Officer. The area where the stands are to be constructed do not form a usable pitch and the facility will form part of the 3G AGP. It is also seen to be supportive of CS policies SC1 and SS1 which supports proposals which improve social conditions, with is consistent with Paragraph 11 of the NPPF. The CS at Policy SC1 supports improvement, retention and enhancement of existing social and community infrastructure within settlements and where they can be accessed sustainably, including by active travel modes. This is consistent with the NPPF which promotes healthy and safe communities and which advises that decisions should enable retention and development of accessible local services and community facilities, including sports venues, in aiming to provide healthy, inclusive and safe places. The principle of development would therefore be acceptable, subject to assessment against relevant material considerations.

Design/Streetscene

- 6.7 The proposed stands are to be constructed in Grey Corrugated Steel Cladding with 50 no. Blue Plastic Seats (associated with the seated stand) and room for 50 standing, with a metal plate floor (for the standing-only stand). With the development being sited within the confines of the sports complex, complimenting the existing stand to the south of the 3G AGP, as concluded by the Council's Senior Landscape Officer, the proposal is viewed to be of low visual harm to the wider landscape. There are no proposed loss of trees, and the impact on the physical landscape is minor.
- 6.8 In the view of officers, the proposed design of the stands are considered to be acceptable, noting that the development parameters are considered necessary to meet on-going ground requirements for the teams using the facility. In addition, the proposed development is not considered to adversely impact the wider streetscene or townscape, noting the development is confined to the existing 3G AGP, and will read off as part of the wider complex of this facility given

the lack of prominence of site within the context of the townscape, in accordance with Policies SD1 and LD1 of the CS, which is consistent with Sections 12 and 15 of the NPPF.

Highways

- 6.9 The adjoining land to the north-west benefits from an extant planning permission (P204252/F) to create a new car park, easing issues experienced in the current car park and surrounding local highway network, which at busy times, often leads to 'pinch points' during use of the complex, particularly along Widemarsh Common Road and the entrance of Lads Club car park.
- 6.10 Access arrangements will remain unaltered. The site is in an accessible location, where users have the opportunity to reach facilities on foot, cycle or public transport. The proposed stands are to accommodate ground grading requirements and as such, the number of visitors to site is not expected to abnormally increase to an extent where it would adversely impact the local road network. However, one should respect the 'change over' periods between sessions of use. It must be recognised that there will be potential conflict between those leaving site and those arriving although this would not be any different than the current situation. Your officers consider the proposal will not result in a 'severe' impact in highway or pedestrian safety, and in light of the Transportation response, who do not object following clarification from the applicant, it is considered the scheme accords with Policies MT1 and SS4 of the CS, which is consistent with Section 9 of the NPPF and would not be contrary to Paragraph 111 of the NPPF.

Amenity

- 6.11 With regards to amenity impacts, it must be borne in mind that the wider use of site is principally for sports, and this in itself generates noise. Vehicle movements will be either side of the use of the sports pitches, so the impact on amenity still remains a consideration.
- 6.12 As part of the previously approved application for the 3G AGP, the community use management plan was conditioned (condition 4 of P182950/F) to ensure correct operation of the premises. It states that this would include day to day management, booking procedures, on site car parking for community use and local resident communications. In addition a Noise Management Plan, is already in place.
- 6.13 No external lighting is proposed with this application. Given the longstanding use of site, occupiers are aware of activities. It is appreciated that the existing floodlights currently by default operates as a limitation, but forms part of the wider built up area associated with the townscape hereabouts.
- 6.14 It is noted that the principal amenity impacts associated with this proposal concerns that of the proposed introduction of a tannoy system. This is required as part of the ground requirements to enable the principal teams associated with the ground (Lads Club FC), to remain in their current league. The applicants are happy to accept a condition limiting the use of the tannoy to these fixtures only associated with the first team. It is noted that similar arrangements are in place at Westfields, who also operate at the same ground grading level. The tannoy would be used for announcements only and as such, the LPA can also condition the tannoy to only be used as a public address system and not for the playing of music etc. to help ease any potential impacts further, as well as time of use.
- 6.15 In this context, the amenity of local residents may be impacted to a minor extent although through the proposed condition suggested, this can be safeguarded to an acceptable degree through appropriate use, in accordance with CS policy SD1, which is consistent with NPPF paragraphs 130 and 185. A condition requiring any details of lighting to be provided prior to installation is also recommended.
- 6.16 To clarify, officers add that in the event of activities from the premises and the proposal being perceived to cause a noise nuisance to neighbouring residents, the Council's Environmental

Health department have legal powers and duties under the Environmental Protection Act 1990 to investigate and require the abatement of alleged nuisance, as necessary.

Drainage

- 6.17 As part of the new 3G AGP, extensive drainage works were undertaken. It was found that underlying ground provided infiltration potential, which would be utilised with an overflow discharge to an existing offsite drainage outfall to Widemarsh Brook. It is noted that the drainage capacity calculations for the SuDS features, constructed as part of the new pitch development, did not include the additional impermeable area created with the construction of this proposed application. However, due to the small roof area of the proposed development (approx. 28m²), the land drainage engineer accepts the proposals to discharge surface water runoff to the existing surface water drainage system located beneath the pitch surface, in accordance with Policy SD3 of the CS.
- 6.18 No foul water generation is associated with the proposed development. The application site lies within the catchment for the River Wye Special Area of Conservation (SAC), a European site covered under the Habitats Directive & the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value. The proposal does not propose any development which would be phosphate generating as it is for the better accommodation of existing users as opposed to the intensification of use per se; further even if there were additional foul water flows from this proposal they are managed by existing sewer connections to the mains sewer network which manages them via Eign Treatment works. It is not considered to be the possibility of a likely significant effect on the SAC at the point of consideration, thus the development is considered to be acceptable from a HRA perspective and accords with the provisions of policy LD2 of the CS, noting the application does not incorporate overnight accommodation. The provisions of paragraph 182 of the NPPF are not considered to be triggered and the application can be screened out.

Heritage

- 6.19 The site is located within the Widemarsh Common Conservation Area, and whilst not in the setting of Moor House, a Grade II listed building, Moor House lies west of site. These heritage assets are afforded a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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 It is noted that the Council's Building Conservation Officer has not responded. Nevertheless, the site, in the context of the designated heritage assets identified, is well obscured by the impact of the existing artificial turf pitch and complex, as a whole, but one must also consider cumulative impact. In this regard, no harm would be identified given the considerable degree of screening already provided by mature tree planting between the western site boundary and Moor House or moreover the Conservation Area due to the buildings present within the complex already. In respect of experiential aspects, the proposal, in the context that already comprises multiple sporting facilities, would not have a harmful impact. It is considered that the proposal would conserve these identified heritage assets and thus accord with policy LD4 of the CS. It is viewed that the paragraph 202 test of the NPPF need not apply, in the absence of identified harm.

Ecology/Biodiversity

- 6.21 There are no ecological records of importance or Protected Species immediately on or adjoining site. The applicant and contractors have a legal duty of care towards wildlife protection under UK Legislation that applies throughout the demolition and construction process. Any breach of this legal Duty of Care would be a criminal offence. The LPA has therefore no reasonable cause to require further information as part of the application or include a specific ecology protection condition. However, an informative is recommended. Given the type of development, it is also not considered appropriate to request Biodiversity Net gain enhancements but the proposal, in ecological terms, is considered to accord with Policies LD1-LD3 inclusive of the CS, consistent with Section 15 of the NPPF.

Conclusion

- 6.22 It is the view of officers, the proposal represents an improvement to the existing spectator infrastructure of this facility in an appropriate manner. When considered against the development plan, as a whole, and accounting for other material considerations, including the NPPF, the proposal is considered to be representative of sustainable development. In the absence of any material planning considerations that indicate a decision being made other than in accordance with the Development Plan, as per paragraph 11c) of the NPPF and CS policy SS1, it is recommended planning permission be granted.

RECOMMENDATION

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

1. **C01 (Time limit for commencement (full permission))**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **C06 (Development in accordance with approved plans)**
The development shall be carried out strictly in accordance with the approved plans (Site Location Plan, except where otherwise stipulated by conditions attached to this permission.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

3. **CNS (Non-Standard Condition)**
Prior to first use of the approved development, an addendum to the community use agreement, as approved under P182950/F, shall be submitted to and approved in writing by the Local Planning Authority. The updated agreement shall incorporate the approved development under this decision notice and how this relates to the 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 updated approved agreement.

Reason: To secure and maintain a well-managed and 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 and the National Planning Policy Framework (2021).

4. CNS (Non-Standard Condition)

The approved tannoy system shall only be used as a public address system, to be used for Lads Club FC first-team games only. In addition, no amplified or any music shall be played through the approved tannoy system at any time, nor shall it be used outside the following times: 12:00-21:00 Monday-Sunday inclusive. The approved tannoy system shall be used for no other purposes, unless listed above.

Reason: In order to protect the amenity of occupiers of nearby properties and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

5. CC1 (Details of External Lighting)

Details of any external lighting proposed to illuminate the approved stands shall be submitted to and approved in writing by the local planning authority before their relevant installation. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the approved development.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

INFORMATIVES:

- 1. IP2 – Application Approved Following Revision/Amendments/Additional Information
- 2. I05 – No drainage to discharge to highway
- 3. I11 – Mud on highway
- 4. I35 – Highways Design Guide and Specification
- 5. I33 – Ecology (General)
- 6. I10 – Access via public right of way
- 7. INS – The LPA would advise the applicant that in the event of activities from the premises and the proposal being perceived to cause a noise nuisance to neighbouring residents, there are legal powers and duties under the Environmental Protection Act 1990 by Environmental Health to investigate and require the abatement of the nuisance, as necessary.
- 8. INS – The LPA would advise the applicant that they may wish to contact Network Rail and to engage with Network Rail Asset Protection assetprotectionwales@networkrail.co.uk to determine if a Basis Asset Protection Agreement is needed for these works.

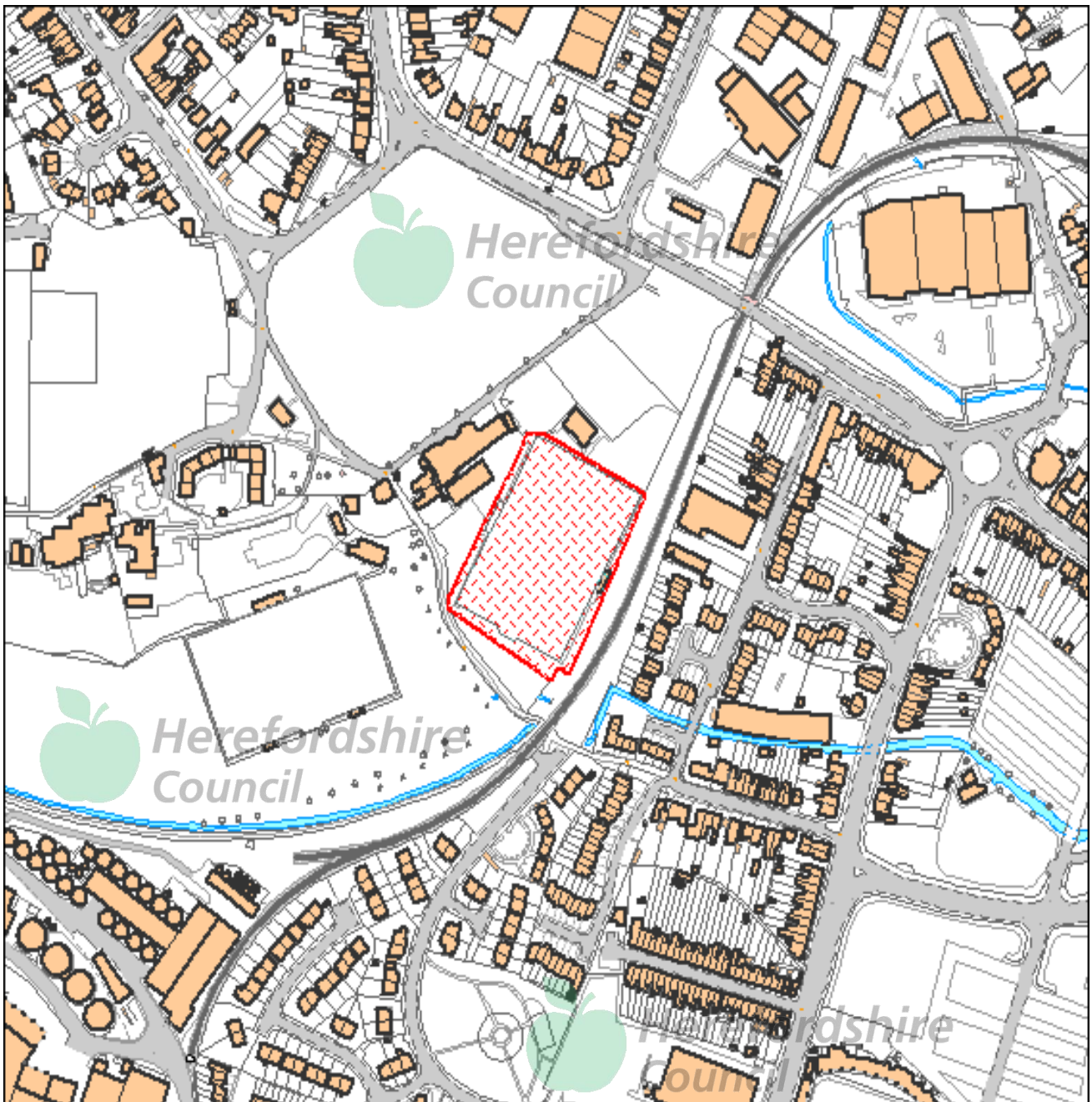
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 220137

SITE ADDRESS : COUNTY GROUND OFFICES, HEREFORD, HEREFORDSHIRE, HR4 9NA

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Further information on the subject of this report is available from Mr Josh Bailey on 01432 261903

