

# Agenda

## Planning and Regulatory Committee

Date: **Wednesday 7 May 2025**

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Time: **10.00 am**

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

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

For any further information please contact:

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If you would like help to understand this document, or would like it in another format, please call Matthew Evans, Democratic Services Officer on 01432 383690 or e-mail [matthew.evans@herefordshire.gov.uk](mailto:matthew.evans@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the meeting of the Planning and Regulatory Committee**

## **Membership**

<b>Chairperson</b>	<b>Councillor Terry James</b>
<b>Vice-chairperson</b>	<b>Councillor Clare Davies</b>

**Councillor Polly Andrews**  
**Councillor Bruce Baker**  
**Councillor Jacqui Carwardine**  
**Councillor Simeon Cole**  
**Councillor Dave Davies**  
**Councillor Matthew Engel**  
**Councillor Catherine Gennard**  
**Councillor Peter Hamblin**  
**Councillor Stef Simmons**  
**Councillor John Stone**  
**Councillor Charlotte Taylor**  
**Councillor Richard Thomas**  
**Councillor Mark Woodall**

## Agenda

	Pages
<b>PUBLIC INFORMATION</b>	
<b>GUIDE TO THE COMMITTEE</b>	
<b>NOLAN PRINCIPLES</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. NAMED SUBSTITUTES (IF ANY)</b>	
To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
<b>3. DECLARATIONS OF INTEREST</b>	
To receive declarations of interests in respect of items on the agenda.	
<b>4. MINUTES</b>	13 - 28
To approve the minutes of the meeting held on 9 April 2025.	
<b>5. CHAIRPERSON'S ANNOUNCEMENTS</b>	
To receive any announcements from the Chairperson.	
<b>6. 242157 - LAND AT ASHLEY FARM, GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE</b>	29 - 48
The erection of six floodlights to light an approved football pitch; and the refurbishment and relocation of an existing cabin to provide sports changing facilities, storage, showers and WCs.	
<b>7. DATE OF NEXT MEETING</b>	
Date of next site inspection – 3 June 2025	
Date of next meeting – 4 June 2025	



# **The Public's Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO: -**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

## **Recording of meetings**

Please note that filming, photography and recording of this meeting is permitted provided that it does not disrupt the business of the meeting.

Members of the public are advised that if you do not wish to be filmed or photographed you should let the governance services team know before the meeting starts so that anyone who intends filming or photographing the meeting can be made aware.

The reporting of meetings is subject to the law and it is the responsibility of those doing the reporting to ensure that they comply.

The council may make an official recording of this public meeting or stream it live to the council's website. Such recordings form part of the public record of the meeting and are made available for members of the public via the council's web-site.

## **Travelling to the meeting**

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>. If you are driving to the meeting please note that there is a pay and display car park on the far side of the council offices as you drive up Plough Lane. There is also a free car park at the top of plough lane alongside the Yazor Brook cycle track.



### 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 Clare Davies (Vice Chairperson)	True Independents
Councillor Polly Andrews	Liberal Democrat
Councillor Bruce Baker	Conservative
Councillor Jacqui Carwardine	Liberal Democrat
Councillor Simeon Cole	Conservative
Councillor Dave Davies	Conservative
Councillor Matthew Engel	Independents for Herefordshire
Councillor Catherine Gennard	The Green Party
Councillor Peter Hamblin	Conservative
Councillor Stef Simmons	The Green Party
Councillor John Stone	Conservative
Councillor Charlotte Taylor	Independent for Herefordshire
Councillor Richard Thomas	Conservative
Councillor Mark Woodall	The Green Party

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 service director, regulatory, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the service director, regulatory, 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 service director, regulatory, 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 chairperson'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 chairperson 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 Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Wednesday 9 April 2025 at 10.00 am**

**Present:** Councillor Terry James (chairperson)  
Councillor Clare Davies (vice-chairperson)

**Councillors:** Bruce Baker, Chris Bartrum, Jacqui Carwardine, Simeon Cole, Dave Davies, Matthew Engel, Catherine Gennard, Peter Hamblin, Stef Simmons, Charlotte Taylor, Richard Thomas and Mark Woodall

**In attendance:** Councillor Toni Fagan

**Officers:** Legal Adviser, Development Manager Majors Team and Highways Adviser

**57. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Polly Andrews and John Stone.

**58. NAMED SUBSTITUTES (IF ANY)**

Councillor Chris Bartrum acted as a substitute for Councillor Andrews.

**59. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**60. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 19 March be approved.

**61. 243018 - LAND AT HELENSWOOD FARM, KINGSTHORNE, HEREFORDSHIRE, HR2 8AL (PAGES 13 - 14)**

*Councillor Richard Thomas acted as the local ward member for the application below*

The senior planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Corbett, representative for local residents, spoke in objection to the application and Mr Tompkins, the applicant's planning agent, spoke in support.

In accordance with the council's constitution the adjoining local ward member spoke on the application. In summary, she explained that the application was a reserved matters application with issues such as type and scale of the proposed properties to be determined at a later application. However, the indication in the current application was that the two properties would be of a significant scale. Local objectors' foremost concern with the application related to the issue of access. Contrary to the national planning policy framework (NPPF) paragraphs 110, 111 and 112 the proposal in the application had an adverse impact upon highway safety. The inadequacy of detail regarding visibility

splays and driver sightlines from the access track to the application site posed a risk to drivers and pedestrians using the local highway network. The status of the track leading to the application site was also a concern as it was not in the ownership of the applicant but was across unregistered land. Contrary to NPPF paragraphs 8 and 119, the lack of an agreement for the use of the track to serve the application site undermined the sustainability and viability of the site; there was no guarantee that the applicant would have an indefinite right of access along the track. Responsibility for the maintenance of the track was unclear; deterioration of the surface of the access could pose a risk to all users. The application could be refused due to its unacceptable impact on highway safety and there was precedent for refusal on access grounds. The site also posed a risk to vulnerable local ecology and there would be drainage issues from any new development.

In accordance with the council's constitution the local ward member spoke on the application. In summary, he explained that there would be a significant excavation and removal of earth from the site to facilitate the development. During construction this would pose unacceptable impact upon local residential amenity. The application was outline only and should not be approved as it was not suitable. It was out of character with other local houses and a full application should be required for consideration.

The committee debated the application. There was division among the members of the committee but the majority accepted the principle of development of the site and the officer recommendation for approval. There was concern expressed regarding the movement of soil from the site during construction.

The development management service manager explained that condition 5 of the permission could be updated to ensure that the construction management plan incorporated a soil and waste management plan.

The adjoining ward member and the local ward member were given the opportunity to close the debate.

Councillor Bruce Baker proposed and councillor Dave Davis seconded a motion to approve the application with a change to condition 5 to incorporate a soil and waste management plan.

The motion was put to the vote and was carried by a simple majority.

#### **RESOLVED:**

**That outline planning permission be granted subject to: an update to condition 5 to include details for a soil and waste management plan; the following conditions; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

**1. C04 – Approval of reserved matters**

**Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**2. Time limit for submission of reserved matters (outline permission)**

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

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

**3. Time limit for commencement (outline permission)**

**The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last reserved matters to be approved, whichever is the later.**

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

**4. Development in accordance with the approved plans**

**The development shall be carried out strictly in accordance with the approved plans (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.**

**5. Construction Management Plan**

**Development shall not begin until details and location of the following have been submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during construction of the development hereby approved:**

- **A method for ensuring mud is not deposited onto the Public Highway;**
- **Construction traffic access location;**
- **Parking for site operatives; and**
- **Construction Traffic Management Plan**
- **Siting of site offices / compound / storage area**
- **Tree / Hedgerow protection**

**The development shall be carried out in accordance with the approved details for the duration of the construction of the development.**

**Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**6. Construction Environmental Management Plan**

**No demolition or construction shall commence on site until a detailed Construction Environmental Management Plan including details of the person responsible for the implementation of the CEMP – has been supplied to the Local Planning Authority for written approval.**

**The measures of the approved CEMP shall be implemented prior to any development commencing on site and all construction works shall thereafter be carried out in accordance with the approved details.**

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

**7. Restriction on hours during construction**

**During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00 pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents and to comply with Policy SD1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**8. Details/Samples of External Materials**

**With the exception of any site clearance and groundworks, no further development shall take place until details or samples of materials to be used externally on the walls, roofs, windows and doors of the dwellinghouses and garages, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**9. Secured Covered Cycle Provision**

**Prior to the first occupation of each dwellinghouse, 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 dwelling to which is relates. Thereafter these facilities shall be maintained.**

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

**10. Scheme of Foul and Surface Water Drainage Disposal**

**Any reserved matters application(s) relating to the reserved matter of 'layout' submitted pursuant to Conditions 1 and 2, shall be accompanied by a detailed**



scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be managed. The submission shall be based on the indicative Surface and Foul Water Drainage Strategy Revision A dated 11 September 2024 by H&H Drainage and shall, at a minimum, additionally include the following details:

- Demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems;
- Evidence to show why the site layout cannot accommodate individual drainage infrastructure in the first instance, or at a minimum, share drainage infrastructure sited within the shared open space;
- An additional infiltration test to be completed, in accordance with BRE 365, at a depth between 0.5 metres – 0.7 metres BGL in the confirmed infiltration basin location to prove viable soakage, and to inform the sizing calculations with a more representative rate, including oversizing the basin, as required, to include proposed volumes and dimensions to be clarified in relation to the infiltration basin; and
- Should the site layout result in amendments to the indicative foul water drainage infrastructure location, additional percolation testing shall be undertaken in accordance with BS 6297 and results provided to determine the viability of the revised layout given the varying soakage observed across the site.

The approved strategy shall thereafter be completed prior to first occupation of each dwellinghouse and maintained thereafter for the lifetime of the development.

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

11. Prior to first occupation of the dwellings approved under planning permission, evidence of the suitably placed installation on the approved buildings, or on other land under the applicant's control, of a minimum total of FOUR bird nesting boxes, TWO bat roosting boxes, ONE insect box, ONE hedgehog home and ONE hibernacula (or similar features), as recommended within the ecological report by HEC (2024), shall be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the local planning authority. No habitat boxes should be located in Ash trees due to future effects of Ash Dieback Disease and likely loss of these trees.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement 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, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.

12. Scheme of refuse storage (residential)

Prior to the first occupation of each dwellinghouse, a scheme for the provision of storage, prior to disposal, of refuse for each dwelling hereby permitted shall be submitted to and be approved in writing by the local planning authority.

The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity and to comply with Policy SD1 of the

**Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**13. Efficient Use of Water**

Prior to the first occupation of each dwellinghouse, a scheme demonstrating measures for the efficient use of water as per the optional technical standards contained within Policy SD3 of the Herefordshire Local Plan – Core Strategy (or successor policy) shall be submitted to and approved in writing by the local planning authority.

The approved details shall be implemented and completed prior to first occupation of each dwellinghouse and thereafter maintained for the lifetime of the development.

**Reason:** To ensure compliance with Policies SD3 and SD4 of the Hereford Local Plan – Core Strategy and the National Planning Policy Framework

**14. Self Build requirement (BNG exemption)**

The dwellinghouses hereby permitted shall be constructed as self-build within the definitions of self-build and custom housebuilding in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The first occupation of each dwellinghouse hereby permitted shall be by a person or persons who have had a primary input into the design and layout of the dwelling and two months prior to the first occupation of the unit, the Council shall be notified of, and shall agree in writing, details of the persons who intend to take up first occupation.

The dwelling shall be occupied in accordance with the approved details.

**Reason:** The approved development is granted on the basis that it complies with the Self Build and Custom Housebuilding Act 2015 and is consequently exempt from the requirements to submit a Biodiversity Gain Plan in accordance with the provisions of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

**15. CNS – Non-standard condition**

Unless otherwise agreed in writing by the Local Planning Authority as detailed in the supplied plans and application form, all foul water flows created by the approved development shall be managed through a shared Haba Bio Easy Flow package treatment plant discharging to a drainage field; and all surface water managed through a Sustainable Drainage System. The approved foul and surface water scheme shall be managed and maintained as approved for the lifetime of the development it supports.

**Reason:** In order to ensure Nutrient Neutrality and 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.

**16. CNS – Non-standard condition**

No external lighting shall be provided other than the maximum of one external LED

down-lighter above or beside each external door (and below eaves height) with a Corrected Colour Temperature not exceeding 2700K and brightness under 500 lumens. Every such light shall be directed downwards with a 0 degree tilt angle and 0% upward light ratio and shall be controlled by means of a PIR sensor with a maximum over-run time of 1 minute. The Lighting shall be maintained thereafter in accordance with these details.

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; and the council's declared Climate Change and Ecological Emergency

**17. C59 – No conversion of garages to habitable accommodation**

The garage and access thereto must be reserved for the garaging or parking of private motor vehicles and the garage shall at no time be converted to habitable accommodation.

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**18. CNS – Non-standard condition**

All vehicles associated with the use of both dwellinghouses hereby granted shall solely use an access point off the C1263 only, which shall be maintained for the lifetime of the development.

Reason: In the interests of highway safety and to conform to the requirements of Policy MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

**INFORMATIVES:**

**1. IP2 - 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. INS – Nonstandard informative**

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

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence)  
<https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

**3. I05 – No drainage to discharge to highway**

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

**4. I11 – Mud on highway**

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

**5. I35 – Highways Design Guide and Specification**

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

**6. INS – Non-standard informative**

**Any applicant who intends to submit any approval of reserved matters application should clearly review statutory and internal technical consultee responses to understand the level of details expected to accompany any application.**

*There was an adjournment at 10:57 AM; the meeting reconvened at 11:11 AM.*

*Councillor Richard Thomas resumed his seat on the committee*

**62. 243062 - 7 BLACKFRIARS STREET, HEREFORD, HEREFORDSHIRE, HR4 9HS  
(PAGES 15 - 16)**

The senior planning officer provided a presentation on the application and the updates/representations received following the publication of the agenda.

In accordance with the criteria for public speaking Mr Wroe, local resident, spoke in objection to the application, and Ms McSherry, on behalf of the applicant, spoke in support.

The committee debated the application and there was widespread support for the proposal. The need for additional accommodation in Hereford to address homelessness was recognised. Queries were raised regarding the appearance of the pod to be located on the site.

The development management service manager explained that the additional condition regarding the requirement for a floor plan could be amended to incorporate the requirement for an updated drawing of the proposed elevations before the pod was brought onto site.

Councillor Catherine Gennard proposed and Councillor Mark Woodall seconded a motion that the application be approved with the change to condition 9 in the update sheet to require the submission of an updated drawing of the proposed elevations of the prod prior to its location on site.

The motion was put to the vote and was carried unanimously.

**RESOLVED:**

**That planning permission be granted subject to: a change to condition 9 to require the submission of an updated drawing of the proposed elevations of the prod prior to its location on site; the following conditions; and any other further conditions considered necessary by officers named in the scheme of delegation to officers:**

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

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

2. **The development shall be carried out strictly in accordance with the following list of approved plans, except where otherwise stipulated by conditions attached to this permission:**

**Location Plan;  
TBA-TA\_0.3A (Proposed Block Plan);  
TBA-TA\_0.4 (Proposed Layout Plans); and  
TBA-TA\_0.5 (Proposed Layout Elevations)**

**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.**

3. **Prior to first use as transitional temporary accommodation, the secure cycle parking facilities, as shown on drawing number TBA-TA\_0.3A dated Nov 2024, shall be installed and available for use. Thereafter these facilities shall be maintained for the lifetime of the development.**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policies SS4 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

4. **Prior to first use as transitional temporary accommodation, evidence such as photographs or ecologists report of the suitably placed installation on the application site, or on other land under the applicant's control, of a minimum of TWO bird nesting features and TWO bat roosting features, of mixed types, shall be submitted to and acknowledged by the local planning authority. Thereafter, these shall be maintained as approved unless otherwise agreed in writing with the local planning authority.**

**Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement 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, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies LD1, LD2 and LD3.**

- 5. The apartments and 'container' hereby approved shall not be occupied other than by individuals requiring transitional temporary accommodation.**

**Reason: To clarify the terms of the permission and enable further consideration to be given should alternative forms of supported living be required in future and to comply with Policy SD1 of the Herefordshire Local Plan Core Strategy and the National Planning Policy Framework.**

- 6. Once first occupied, the 'container' shall thereafter be sited for a maximum time period of 5 calendar years, after which the use as transitional temporary accommodation hereby approved shall cease and the 'container' shall be removed from the site altogether. The applicant shall provide written confirmation of the first occupation of the container as soon as practically possible.**

**Details, to include the timescale for removal of the 'container', shall be submitted to and approved in writing by the Local Planning Authority no less than two calendar months before the use of the 'container' as transitional temporary accommodation expires. The removal of the 'container' shall thereafter be carried out in strict accordance with the approved timetable.**

**Reason: To enable the local planning authority to give further consideration to the acceptability of the container after the temporary period has expired in the interest of adequate amenity and wider townscape effects and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

- 7. Unless otherwise agreed in writing with the Local Planning Authority, all foul water flows created by the approved development shall be managed through a connection to the local mains sewer network. The approved foul water scheme shall be managed and maintained as approved for the lifetime of the development.**

**Reason: In order to ensure Nutrient Neutrality and 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.**

- 8. No surface water from any increase in the roof area of the building, installation of the container or impermeable surfaces within the application site shall be allowed to drain directly or indirectly to the public sewerage system.**

**Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to accord with Policies SS6, LD2, SD1, SD3 and SD4 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

9. **Prior to first occupation of the ‘container’ as transitional temporary accommodation, an updated proposed floor plan of the ‘container’, or photographic evidence to confirm the installation of the bedroom; kitchen/living area; and bathroom/shower area for future occupiers, shall be submitted to and approved in writing by the Local Planning Authority.**

**Thereafter, these shall remain in situ for the lifetime of the development.**

**Reason: To ensure that there is sufficient amenities and liveability for future occupiers in terms of the accommodation being provided and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework”.**

#### **INFORMATIVES:**

1. **IP2 – Application Approved Following Amendment**

**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. **INS – Non-standard informative**

**The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as Great Crested Newts, all Bat species, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that advice from a local professional ecology consultant is obtained.**

3. **INS – Non-standard informative**

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

[www.herefordshire.gov.uk/directory\\_record/1992/street\\_works\\_licence](http://www.herefordshire.gov.uk/directory_record/1992/street_works_licence) and <https://www.herefordshire.gov.uk/info/200196/roads/707/highways>

**4. INS – Non-standard informative**

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

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

In accordance with the National Planning Policy Framework, the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. The applicant should liaise with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

The meeting ended at 11.41 am

Chairperson



**243018 – OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE PROPOSED ERECTION OF TWO SELF-BUILD DWELLINGS AT LAND AT HELENSWOOD FARM, KINGSTHORNE, HEREFORDSHIRE, HR2 8AL**

**For: Ms M Jones & Mr R Boney per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL**

**ADDITIONAL REPRESENTATIONS**

Members will note at Section 1.8 of the officer report that an additional consultation period, in relation to the amended location plan received, ended on 2 April 2025.

For completeness, there has been one further representation, received on 8 April 2025. It has been sent directly to members of the committee by its author but is repeated verbatim below:

*"Dear Councillors*

*I would kindly ask you for support to Mary Hill's objection to the proposed planning at Helenswood Farm as below. As Mary is unable to attend I have asked Councillor Richard Thomas to read out Mary's objection.*

*Kind regards*

*Joanne Bridgen*

*Stepdaughter to Mrs Mary Hill, "Blue Haze" Kingsthorne.*

***Land at Helenswood Farm HR2 8AL (2 Dwellings) P243018/O OBJECTION FROM Joanne Bridgen on behalf of Mrs Mary Hill, Blue Haze, Kingsthorne, Herefordshire.***

*Thank you Councillors, for giving me the opportunity of raising an objection to this proposal. I am writing on behalf of my Stepmother, Mary Hill who is unable to attend in person as she is currently unwell. Sadly, I am also unable to attend as I reside in Dorset. Mary has lived at Blue Haze since the 1980's and both she and my late father Derek Hill have been pillars of their community in the parish of Much Dewchurch. It was of great shock to Mary, who is now 92 years of age to hear of this proposal.*

*Therefore, I briefly outline a list of her valid objections;*

- Mary and Derek paid substantial fees to solicitors in the mid 1980's which was a huge part of their income. This was to set up the grant of easement with the owner of the land to guarantee their easement and access to the land. The spreaders are in the middle of the proposed development, which has been overlooked by the drainage experts.*
- The access is not wide enough for cars and construction equipment. We understand the owner of "Ivy Cottage" owns the hedgerow adjoining her property and she would have to allow use of her land to assist with the access.*
- The properties proposed are "palatial mansions" of unacceptable height and scale. They are completely overbearing to the existing properties of "Blue Haze" and "Ivy Cottage". Mary will lose her privacy, light, and the enjoyment of her property.*
- The properties are incongruent with the character of the area.*
- Loss of ancient woodland and grade 2 agricultural land.*
- Increased light pollution.*

*Over the past three months since submission of this application, Mary's health has deteriorated due to the stress and worry caused by the proposed development.*

*I would sincerely ask the councillors to consider her objections before making the decision.*

*Thank you for listening,*

*Joanne Bridgen on behalf of Mary Hill"*

## **OFFICER COMMENTS**

The additional representation received raises no new material planning considerations. The considerations have already been highlighted and/or discussed throughout the officer report.

In response to questions which were raised during the Site Inspection held on 8 April 2025:

- An explanation as to the relevant Ownership Certificate and Agricultural Land Declarations can be found here: <https://www.gov.uk/guidance/making-an-application> (please refer to Paragraph: 026 Reference ID: 14-026-20140306). For the avoidance of doubt, Ownership Certificate D has been signed by the applicant and officers consider that this is procedurally correct;
- Reserved Matters are explained in further detail at Section 1.4 of the officer report;
- The Ancient Woodland 'Buffer Zone' of 15 metres has been shown previously albeit on the now superseded plans; and
- ATC Survey Results (taken between 13/3/24 – 19/3/24) are available under Supporting Documents on the application webpage.

## **NO CHANGE TO OFFICER RECOMMENDATION**

**243062 - PROPOSED CHANGE OF USE FROM A SINGLE DWELLINGHOUSE (C3) TO 4 NO. APARTMENTS FOR THE USE AS ACCOMMODATION FOR TRANSITIONAL TEMPORARY ACCOMMODATION, TO DEMOLISH THE EXISTING DETACHED GARAGE TO SITE A BESPOKE 'CONTAINER' CONVERTED FOR AND USE AS ACCOMMODATION FOR TRANSITIONAL TEMPORARY ACCOMMODATION, AND ASSOCIATED OPERATIONAL DEVELOPMENT AT 7 BLACKFRIARS STREET, HEREFORD, HEREFORDSHIRE, HR4 9HS**

**For: Mrs Powell per Mr Robert Scott, Herefordshire Council, Plough Lane Offices, Plough Lane, Hereford, Herefordshire, HR4 0LE**

#### **OFFICER COMMENTS**

In response to questions which were raised during the Site Inspection held on 8 April 2025, the applicant wishes to provide the following response:

*“Thank you for the email. It’s unfortunate that members are still focussing on the word container, what we are looking at is a modular pod. We haven’t settled on a provider yet but I have attached a few photos of what the inside of a pod could look like.*



*We are proposing a self-contained one bed unit, it will have a bedroom, kitchen, living area and bathroom. It is essentially a flat but separate from the main house. It will have all the facilities of a home and its own private access. The pod could be used for up to 2 years for each tenant. It will be highly insulated and if possible have a renewable source of energy.”*

To aid in terms of intended visualisation of its possible appearance, a photograph from the existing mobile building on Symonds Street, Hereford, is provided below:



Finally, and in light of the additional comments raised by the applicant above, to therefore ensure that the proposed 'container' provides sufficient accommodation for future occupiers, an additional condition is now recommended.

**CHANGE TO RECOMMENDATION – additional recommended condition:**

*"Prior to first occupation of the 'container' as transitional temporary accommodation, an updated proposed floor plan of the 'container', or photographic evidence to confirm the installation of the bedroom; kitchen/living area; and bathroom/shower area for future occupiers, shall be submitted to and approved in writing by the Local Planning Authority.*

*Thereafter, these shall remain in situ for the lifetime of the development.*

*Reason: To ensure that there is sufficient amenities and liveability for future occupiers in terms of the accommodation being provided and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework".*

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>7 May 2025</b>
<b>TITLE OF REPORT:</b>	<b>242157 - THE ERECTION OF SIX FLOODLIGHTS TO LIGHT AN APPROVED FOOTBALL PITCH; AND THE REFURBISHMENT AND RELOCATION OF AN EXISTING CABIN TO PROVIDE SPORTS CHANGING FACILITIES, STORAGE, SHOWERS AND WCS. AT LAND AT ASHLEY FARM, GRAFTON COURT CLOSE, GRAFTON, HEREFORD,</b>  <b>For: Ms Foti per Mr Matt Tompkins, Lane Cottage, Burghill, Hereford, Herefordshire HR4 7RL</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242157&amp;search-term=242157">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242157&amp;search-term=242157</a>
<b>Reason Application submitted to Committee – Council Owned land</b>	

**Date Received: 21 August 2024**  
**Expiry Date: 9<sup>th</sup> May 2025**

**Ward: Newton Farm**

**Grid Ref: 349521,237418**

**Local Members:** Cllr Carwardine (Newton Farm)

Adjoining: Cllr R Thomas (Wormside) and Cllr D Powell (Redhill)

## **1. Site Description and Proposal**

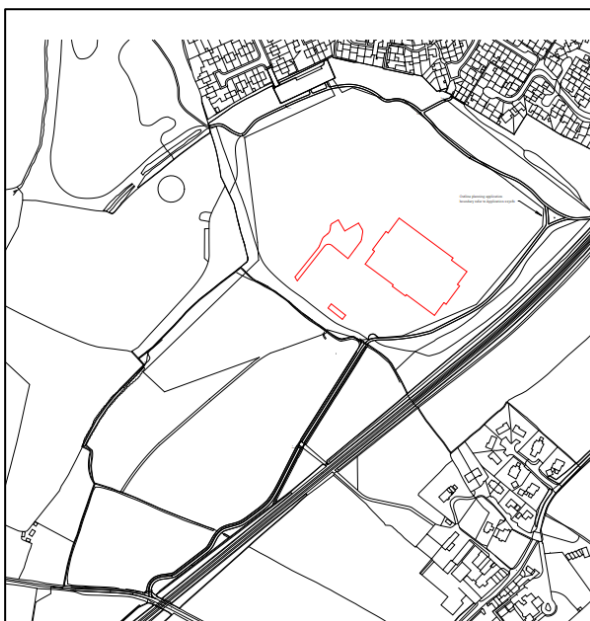
- 1.1 The wider area known as 'Southside' forms part of an area which covers approximately 9 hectares and is located on the southern edge of Hereford City and this is the area on which planning permission is granted under reference P223281/CD4 for the establishment of a new football club, community hub, allotments, productive gardens, and supporting works. The application site is located to the south of Grafton Court Close. The wider site can be accessed from a number of points via the residential areas to the north via Vernon Williams Close and from Grafton Lane on the South Eastern corner of the site. There is agricultural access (which is via a railway level crossing) located on the eastern site of the site. Albeit it is noted that this does not include public access.
- 1.2 This application relates to the approved football pitch and land around it. The redline site boundary is limited to the land affected by the development and this can be seen on Figure 1 overleaf. The northern half of the site consists of a large area of public open space and recreation grounds with grassed areas, groups of trees and a mature belt of trees to its boundary. This area is an amenity space for adjacent residential areas and links to the Belmont Country Park to the North West of the site. There are tarmac foot/cycle paths connecting with the residential areas to the north (Shaws Path) and a further footpath / cycle path connecting through to Merryhill Lane in the South. The open grassed areas are used for football and is the home of Belmont Wanderers Football Club. Currently this part of the site provides for up to 6 pitches of different sizes across the space. A mature tree lined hedgerow divides the existing recreational area from land to the south which falls away from the hedge boundary. The footpath/cycle way connects Hereford through to

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453



Grafton Lane bisecting the field and then runs parallel to the railway before joining Grafton Lane. Some works relating to the wider Site have begun, however, the football pitches have not yet been installed.



**Figure 1: Site Location plan**



**Figure 2: Aerial View of the site**

- 1.3 The site is currently accessed from an existing vehicular access from Vernon Williams Close, north of the site which currently has a gated access and with an anti-motorcycle barrier to the eastern side of the access. There is an existing car park on-site which is primarily provided for users associated with the football club as well changing room facilities provided at the northern extent of the car park.
- 1.4 There are two pedestrian accesses provided at the southern extent of the car park onto the existing fields where the football pitches are located, whilst a vehicular access onto the fields is also provided from the south-east extent of the car park, which is used as an informal over-flow car parking area.
- 1.5 There are also footpaths within the site, which are utilised by pedestrians, whilst National Cycle Network (NCN) Route 46 also routes through the site, within the vicinity of the sites' eastern boundary.

## **2. The Proposal**

The application is made in full and seeks permission for the construction of a new purpose built facility on a green field/recreation field site to provide:-

- Six floodlights to light the already approved football pitch
- Refurbishment and relocation of an existing cabin to provide changing and storage facilities for Belmont
- Biodiversity net gain and landscape enhancements.

- 2.1 The application has been supported by the following:

- Application Form
- Location plan, Site Plan, floor plans and Elevations (Arbor Architects);
- Landscape Strategy and Plans (PLAN);
- Construction and Environmental Management Plan (ATW Ecology);
- Proposed Pitch Plan including location of Pitch Light Columns (McArdle Sport Tec);

- Proposed Elevations for Pitch Light Columns (McArdle Sport Tec); and
- Lighting Design including Statement, Vertical and Horizontal Light Spill Plans (Christy Lighting Masts Ltd)

2.2 A site plan showing the proposed location of the lighting and cabin (see fig 4) has been submitted.



**Figure 3 Site Plan: Lighting and Cabin**

- 2.3 The Southside project will be supported through the Government's Stronger Towns' Fund as it was part of Hereford's successful bid for £22.4m to support 15 projects which all aim to create a greener, fairer city. The Southside Project has been developed by three local partners:
- Belmont Wanderers FC
  - Growing Local
  - NMITE
- 2.4 The proposed floodlights as detailed on drawing MUK3228-03 are located at each corner of the pitch, with one each side of the halfway line.
- 2.5 The Floodlights are 14 metres high and their elevational profile is shown on drg. no. MUK3228-10. The design of the lighting has been described within the submission within the Lighting Statement and details that the lighting is an LED system. The design for performance is for Class II standard as per the Sport England, FA Guidelines, BS EN 12193 and CIBSE Lighting Guide 4 for sports lighting. Average illuminance is 200 Lux. The Lighting Strategy explains that this is, "an update to their high output light weight floodlight that projects the peak intensity further out towards the pitch centre than its predecessors and provides greater coverage over the pitch surface. With a limited elevation angle on the front glass the MAF series floodlight can provide lighting over the pitch without the need of the additional floodlights. This, combined with the higher lumen output of this floodlight, results in a reduction in the number of floodlights mounted on each column and a reduction in spill and glare."

- 2.6 The proposed cabin is a refurbishment cabin which is already on site on the north side of the field. The refurbished cabin would be relocated to a position on the south boundary of the field c.80 metres to the south-west of the football pitch. The cabin would accommodate two changing rooms, each with their own showers, lobby and WC. There are also two external WCs and a flexible ancillary sports space. The cabin incorporates two storage containers.

### 3. Policies

#### 3.1 Herefordshire Local Plan – Core Strategy (CS):

SS1 - Presumption in favour of sustainable development  
 SS4 - Movement and transportation  
 SS6 - Environmental quality and local distinctiveness  
 SS7 - Addressing climate change  
 OS1 - Open Space  
 LD1 - Landscape and townscape  
 LD2 - Biodiversity and geodiversity  
 LD3 - Green Infrastructure  
 SC1 - Social and community facilities  
 SD1 - Sustainable design and energy efficiency  
 SD3 - Sustainable water management and water resources  
 SD4 - Waste water treatment and river water quality

The Herefordshire Local Plan Core Strategy policies can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/local-plan-1/local-plan-core-strategy>

#### 3.2 Minerals and Waste Local Plan (MWLP) 2024:

A Minerals and Waste Local Plan (MWLP) has been prepared to guide mineral extraction and the management of waste in Herefordshire up to 2041 and beyond and was adopted in March 2024.

The plan replaces the saved minerals and waste policies of the Unitary Development Plan. The MWLP 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/local-plan-1/minerals-waste-local-plan>  
 The following policies are considered relevant to the application proposal:  
 SP1 - Resource Management  
 M1 - Minerals Strategy

#### 3.3 National Planning Policy Framework (NPPF)

Chapter 2 Achieving sustainable development  
 Chapter 4 Decision-making  
 Chapter 8 Promoting healthy and safe communities  
 Chapter 9 Promoting sustainable transport  
 Chapter 10 Supporting high quality communities  
 Chapter 11 Making effective use of land  
 Chapter 12 Achieving well-designed places  
 Chapter 14 Meeting the challenge of climate change, flooding and coastal change  
 Chapter 15 Conserving and enhancing the natural environment  
 Chapter 16 Conserving and enhancing the historic environment



The National Planning Policy Framework (NPPF) is a significant material consideration. The latest version was updated in December 2024. The (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF can be viewed in full via the link below:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- 3.4 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.

### 3.5. **Background/Planning History**

The application site was subject to an outline planning application 223281 - Outline Permission For Proposed Mixed Use Development To Provide Community Hub With Enhanced Recreation Facilities Including A 3g Pitch, Car Park And Access Roads, Change Of Use Of Land From Agricultural To Allotments And Productive Gardens New Buildings To Provide Changing Facilities, Classrooms, Equipment Storage, Polytunnels, Cafe And Kitchen. Outline consent was granted on the 16 August 2023.

251154: Proposed Non Material Amendment: Change to the wording of condition 22 as an agreement has been formally obtained with DCWW for an approved storm flow rate. Pending under consideration.

241961: Application for approval of reserved matters (Appearance, Landscaping, Layout and Scale) following outline approval 223281 (Outline permission for proposed mixed use development to provide community hub with enhanced recreation facilities including a 3G pitch, car park and access roads, change of use of land from agricultural to allotments and productive gardens new buildings to provide changing facilities, classrooms, equipment storage, polytunnels, cafe and kitchen). To consider community building, pitches, car parking, pond and associated site infrastructure. Reserved Matters granted on the 12<sup>th</sup> March 2025.

240358: Application for approval of reserved matters following outline approval 223281 (Outline permission for proposed mixed use development to provide community hub with enhanced recreation facilities including a 3G pitch, car park and access roads, change of use of land from agricultural to allotments and productive gardens new buildings to provide changing facilities, classrooms, equipment storage, polytunnels, cafe and kitchen) - seeks to respond to the agricultural side of the development: agricultural to allotments, productive garden, equipment storage and polytunnels. Reserved Matters granted on 17<sup>th</sup> October 2024.

241311: The creation of a track and turning areas for use by agricultural vehicles and vehicles during the construction of development on the wider Growing Local Site and the planting of 463 linear metres of hedgerow (retrospective): Full application granted on 24 March 2025.

The above applications can be seen by using the search function at:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search)

## 4. **Consultation Summary**

### External Consultations

#### 4.1 **Welsh Water: No Objection: April 2025**

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

##### Foul Water

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

##### Surface Water

Turning to surface water drainage, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000'. In this instance, we offer no objection to proposals for disposal of surface water flows into the public surface water sewer, in principle, subject to a maximum attenuated discharge rate of 2l/s; accordingly, if you are minded to grant planning consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

##### **Condition**

Surface water flows from the development shall only communicate with the public (combined sewer / surface water sewer) through an attenuation device that discharges at a rate not exceeding 2l/s.

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

##### **Advisory Notes**

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

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

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

#### 4.2 **Sports England: No objection: October 2024**

Thank you for consulting Sport England on the above application.

##### Sport England – Statutory consultee role and policy

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

We understand that you have consulted us as a statutory consultee in line with the above Order. Therefore, we have considered the application in light of the National Planning Policy Framework (NPPF), in particular paragraph 103, and Sport England's Playing Fields Policy, which is presented within our 'Playing Fields Policy and Guidance Document': [www.sportengland.org/playingfieldspolicy](http://www.sportengland.org/playingfieldspolicy)

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

- all or any part of a playing field, or
- land which has been used as a playing field land 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. A summary of the exceptions is provided in the annex to this response.

#### The Proposal and its Impact on the playing field

The proposal land at Ashley Farm entails the erection of six floodlights to light an approved football pitch (P223281/CD4) and the refurbishment and relocation of an existing cabin to provide sports changing facilities, storage, showers and WCs. There is a separate reserved matters application (P241961/RM) for the site which seeks to agree the layout of the artificial pitch, natural turf pitches, community/clubhouse building, car park and access road, which Sport England raised no objection to.

The proposed location of the floodlights and the relocated cabins is aligned with the above mentioned reserved matters application layout for the site.

To inform this response Sport England consulted the Football Foundation (responding on behalf of County FA) who commented that the location and specification of the sports lighting is satisfactory for community football needs of the site, and it meets all relevant guidance. The Football Foundation also comment that the relocation of the cabins will allow for additional car parking capacity on the existing macadam area. The refurbishment of the cabins would cater for the wider use of the site, including improved changing and toilet provision for users. The design of changing rooms is also fully compliant to FF guidance.

#### Assessment against Sport England's Playing Fields Policy and NPPF

The proposal entails the provision of ancillary facilities serving the playing field site. The sports lighting is of appropriate design and location to serve the approved 3G pitch at the site. The relocated and refurbished cabins will provide changing facilities, showers and WCs for the playing field site and its location will not impact on the pitches at the site as displayed within the reserved matters application (P241961/RM), which Sport England raised no objection to.

Having assessed the application, Sport England is satisfied that the proposed development has the potential to meet 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.'

#### Sport England's Position

Given the above, Sport England raises no objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 103 of the NPPF.

Please note that this response relates to Sport England's planning function only. It is not associated with our funding role or any grant application/award that may relate to the site.

#### 4.3 **Network Rail: No Objection: November 2024**

Network Rail has no objections in principle to the proposals. The vertical and horizontal splays should not give rise to any concerns regarding glare to train driver's vision.

#### Internal Council Consultations

#### 4.4 **Principal Natural Environment Officer (Landscape): No Objection: October 2024:**

In principle, I support the development; however, I do have some comments that aim to enhance the scheme both in terms of setting and safety.

##### Refurbishment and relocation of the existing cabin

The cabin is located in an important position, at the intersection between the Growing Local area and the sports area. The building will be a visual marker for people orientating themselves to the Growing Local area coming from the north-west and south-east. There is a strong relationship with the Local Grown area that is not capitalised on in terms of orientation, branding, and landscaping. Likewise people who arrive into the precinct via the Growing Local area, will see the building through the trees, so there is potential for this to be a marker into the sports area.

The colour (Leaf Green, RAL 6002) is assumed to be the same colour as the main building (also green); however, is there consideration of this building or part(s) of the building (i.e., facades) to be different colours (yellow) or other colours to distinguish its '4 way' links? Growing Local gateway, football frontage, and pedestrian networks to Growing Local from the north-west and south-east.

The landscape (including paths) appears not to respond to the building. The landscape concept of the main building needs to be drawn into this equally important building.

As drawn, the pedestrian/cycle path is located closely to the 'back of the building' and may pose a safety concern as there are blind corners.

##### Lighting for the football pitch

The colour of the poles/fixtures is not indicated. It would be beneficial to ensure that the colour of the poles/fixtures is coordinates with the total design and colour scheme.

#### 4.5 **Environmental Health Service Manager (Nuisance): No Objection: February 2025**

No Objections

#### 4.6 **Team Leader Area Engineer: No Objection: October 2024**

The Local highways authority has considered the application for the erection of 6 floodlights to light the previously approved football pitch and the relocation of an existing cabin to provide changing, storage, showers and WC and makes the following comments.

The erection of the 6 floodlights are contained completely within the site and would have no impact on the local highways network and there would be no increase in traffic movements along the local highways network. The floodlight towers are 14m high and are positioned at their closet point approximately 18m from the nearest pedestrian/cycle way outside of the site which would be acceptable to the LHA.

The relocation of the existing building for changing facilities and storage would not cause any impact on the local highways network therefore there is no objection to the proposed application.

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

#### 4.7 **Principal Natural Environment Officer (Ecology):No Objection: January 2025**

Associated Reserved Matters application ref 241961 is noted and should be considered "in-combination" with this existing application for floodlighting of one sports pitch detailed under the aforementioned Reserved Matter application.

The RM application includes a clear lighting submission that advises all significant lighting of pitches and facilities will cease at 10pm (Lighting Strategy by WLC dated 26 July 2024, and the Design Statement by Christy Lighting Masts Ltd dated 2 July 2024)

Providing this constraint is secured by condition on this current application there are no ecology objections to the proposed directional lighting and luminaires as currently proposed.

If an extended time period can clearly be demonstrated as being essential to operations and actual sporting activity, an extension to 11pm would be considered reasonable – as would an extended period in exceptional circumstances for clearly justified emergency reasons - as this would still retain a good period of normal darkness to support the known populations of light sensitive protected species and the local night time amenity of the area.

### 5. **Representations**

5.1 City Council: No comments received.

5.2 Numerous site notices being displayed around the application site and in response to the public consultation one comment has been received on the application throughout the process, detailing the following points:

Objection: main areas of concern:

- Understand the benefits of enhanced facilities for community use, I am particularly worried about the potential impact on local wildlife, especially the bats and owls that nest in the nearby trees.
- Bats are protected under UK conservation regulations,
- These regulations make it an offense to disturb or harm bats or their roosts.
- Artificial lighting can significantly disrupt bat activity, as it affects their feeding and commuting behaviour.
- Similarly, owls rely on darkness for hunting, and increased light pollution could adversely affect their natural activities.
- I urge the council to consider conducting a thorough environmental impact assessment, specifically addressing the effects of light pollution on these protected species. It may be beneficial to explore mitigation measures, such as using directional lighting to minimise spillage and ensuring the lights are switched off at appropriate times.

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=242157&search-term=242157](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=242157&search-term=242157)

### 6. **Officer's Appraisal**



## Policy context

- 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. The National Planning Policy Framework (‘NPPF’ or ‘Framework’) is also considered to be an important material consideration for all planning applications in England.

## Principle of development

- 6.3 Core Strategy policy SS1 advises that ‘When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy.’ It continues that it will seek to secure development that improves the social, economic and environmental conditions in Herefordshire. It also confirms, in accordance with the statutory duty that planning applications that accord with the policies in the Core Strategy will be approved, unless material considerations indicate otherwise. The text on the ‘Vision for social progress in Herefordshire’ also advises that the opportunities and benefits from sport, amongst other things, will be maximised, enabling more active lifestyles and an improved quality of life for all.
- 6.4 NPPF Chapter 2 – Achieving sustainable development advises that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) to secure sustainable development. The three overarching objectives, are economic, social and environmental. These include helping to support growth, strong vibrant and healthy communities with accessible open spaces that reflect current and future needs, supporting communities’ health, social and cultural well-being and contributing to the protection and enhancement of the environment, including effective use of land and minimising waste and pollution.
- 6.5 Policy SC1 of the Core Strategy supports the improvement of existing community facilities, which the existing use falls within the definition of as it comprises a recreational/sports facility operated by the community/voluntary sector. This policy states that ‘Development proposals which protect, retain or enhance existing social and community infrastructure or ensure that new facilities are available as locally as possible will be supported. Such proposals should be in or close to settlements, have considered the potential for co-location of facilities and where possible be safely accessible by foot, by cycle and public transport.’ The pre-text to the open space, sport and recreation facilities policies (OS1, OS2 and OS3) recognises that such facilities are an essential part of sustainable communities, need to stand the test of time, be where people want to live, and enable people to meet their sporting and recreational aspirations and potential (paragraph 5.1.42).
- 6.6 In terms of the principle of the floodlights which are proposed adjacent to the football pitch and the refurbishment and relocation of the cabin to provide changing rooms it is apparent that both policies in the Core Strategy and the NPPF, support the principle for the provision of sports facilities, and development which would enhance sports facilities. The provision of the six floodlights are considered an essential element to the use to the use of the football pitch as they allow that matches can be played throughout the season e.g in the evenings and winter afternoons. As detailed within the submission training sessions are ‘almost entirely carried out in the evenings would not be able to be carried out either due to functional and safety reasons’.

- 6.7 The provision of changing rooms to the standards set out by Sport England and the Football Foundation are important to the usability of the sports pitches. They provide for segregated changing and toilet areas. The lockable storage within the cabin also ensures that the club can secure its possessions to reduce crime. The Football Foundation has reviewed the proposed plans and supports the making of this application.
- 6.8 Overall, the principle of development complies with the Development Plan and NPPF both of which support development which enhances sports facilities. The proposals yield social benefits over and above those which came with the initial permission for the sports pitches and wider facility.
- 6.9 An assessment of the proposed development in the context of considerations and all other relevant technical considerations will now be discussed under the relevant headings within this report. This will include assessment against the wider development plan policies.

### **Key Considerations**

- 6:10 The key considerations in the assessment of this application are other than the principle of development which has been discussed above are:
- Design: townscape and visual impact
  - Transportation, access and parking
  - Impact on neighbouring residential amenity
  - Ecology

### **Design: townscape and visual impact including landscaping**

- 6.11 Core Strategy Policy SD1 relates to sustainable design and energy efficiency. The policy requires development proposals to create safe, sustainable, well integrated environments for all members of the community. The policy stipulates various requirements development proposals should incorporate which include (as relevant to matters of design for this application): ensuring development proposals make efficient use of land, taking into the local context and site characteristics; new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing and materials and respecting scale, height, proportions and massing of surrounding development while making a positive contribution to the architectural diversity and character of the area, including, where appropriate, through innovative design;
- Utilise physical sustainability measures – including orientation of buildings, the provision of water conservation measures, storage for bicycles and waste including provision for recycling and enabling renewable energy;
  - Create safe and accessible environments – minimise opportunities for crime and consider fire safety measures;
  - Ensuring design can be easily adapted; and
  - Utilise sustainable construction methods which minimise the use of non-renewable Resources
- 6.12 In terms of the development plan context, Core Strategy Policy SS6 is an overarching policy, relating to environmental quality and local distinctiveness. The policy seeks to ensure development proposals conserve and enhance those environmental assets that contribute towards the county's distinctiveness, biodiversity and especially those with designations.
- 6.13 Core Strategy Policy LD1 deals directly with landscape and townscape and identifies proposals should:

Demonstrate that character of the landscape has positively influenced the design, scale, nature, site selection, protection and enhancement of the setting of settlements and designated areas;

Conserve and enhance the natural, historic and scenic beauty of important landscapes and features, including AONBs, nationally and locally designated parks and gardens and conservation areas;

Incorporate new landscape schemes and their management to ensure development integrates appropriately into its surroundings; and

Maintain and extend tree cover where important to amenity through the retention of important trees, appropriate replacement of trees lost through development and new planting to support green infrastructure.

- 6.14 Core Strategy Policy LD3 sets out development proposals should protect, manage and plan for the preservation of existing and delivery of new green infrastructure, and should achieve the following objectives:
1. Identification and retention of existing green infrastructure corridors and linkages, including the protection of valued landscapes, trees, hedgerows, woodland, watercourses and adjoining flood plain;
  2. Provision of on-site green infrastructure; in particular proposals will be supported where this enhances the network; and
  3. Integration with, and connection to, the surrounding green infrastructure network.
- 6.15 Chapter 12 of the National Planning Policy Framework relates to 'Achieving well-designed places' and seeks to ensure development will function well and add to overall quality of the area. Also, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Additionally, is sympathetic to local character and history, including the built environment and landscape setting. The importance of appropriate amount and mix of development is also referenced, which includes a mix of green and other public spaces. The proposed cabin is a refurbishment cabin which is already on site on the north side of the field. The refurbished cabin would be relocated to a position on the south boundary of the field c.80 metres to the south-west of the football pitch. The cabin is of a modest scale with dual pitched roof. It would accommodate two changing rooms, each with their own showers, lobby and WC. There are also two external WCs and a flexible ancillary sports space. The cabin incorporates two storage containers too.
- 6.16 The proposed extension will follow the mono pitch form of the building and will be clad in similar composite materials. The new facilities will comprise of four separate changing rooms each with toilet and shower, a medical and treatment/physio room, two separate referee changing rooms and the reconfiguration of the existing kitchen area to provide improved kitchen facilities.
- 6.17 The scale and design of the proposed extension is considered to respect the character of the existing building and given its well established presence and its screened location, no harm to the Conservation Area or the wider landscape is identified.
- 6.18 As identified within the landscape officer comments the changing cabin is in a prominent position, at the intersection between the Growing Local area and the sports area. The building will also be a visual marker for people orientating themselves to the Growing Local area coming from the north-west and south-east. There is a strong relationship with the Growing Local area that is not capitalised on in terms of orientation, branding, and landscaping. Likewise, people who arrive at the precinct via the Growing Local area, will see the building through the trees, so there is potential for this to be a marker into the sports area.
- 6.19 The landscape officer has requested that consideration be given to the colour of the changing building (Leaf Green, RAL 6002) as such the RAL colour of this building has been conditioned.
- 6.20 Regarding the lighting for the football pitch the colour of the poles/fixtures and to ensure that the colour of the poles/fixtures coordinates with the total design and colour scheme this has been conditioned.



- 6.21 The proposed site plan shows that the works are a suitable distance from any trees and no trees or hedgerows would need to be removed as a result of this proposal. Given the existing vegetation to boundaries, including mature trees, no additional native planting within the site is considered necessary.
- 6.22 The application is accompanied by a Landscape Strategy and Plans and the landscape officer has raised no objection and the application is therefore considered to accord with the requirements and the expectations of Policy LD1 and LD3 of the Core Strategy, as well as Chapter 12 of the NPPF.

### **Transportation, access and parking**

- 6.23 Core Strategy policy MT1 requires development to provide safe and suitable access, encourage active travel behaviour and demonstrate that the strategic and local highway network can absorb traffic impacts, amongst other considerations. At paragraph 108 of the NPPF similar requirements are set out and in addition it cautions, at paragraph 109, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.24 The Local Highway Authority (LHA) have confirmed in their comments that the erection of the 6 floodlights is contained completely within the site and would have no impact on the local highways network and there would be no increase in traffic movements along the local highways network. Also, as the floodlight towers are 14m high and are positioned at their closet point approximately 18m from the nearest pedestrian/cycle way outside of the site which would be acceptable. Regarding the relocation of the existing building for changing facilities and storage, again the LHA have confirmed this would not cause any impact on the local highway network. In light of the above, it is considered that the requirements of Core Strategy policy MT1 and the NPPF are met in respect of the impact of development upon the highway network.

### **Impact on neighbouring residential amenity**

- 6.25 The potential impacts on neighbours result from noise and lighting. Core Strategy policy SD1 requires developments to safeguard residential amenity and ensure they do not contribute to adverse impacts arising from noise or light contamination. Paragraph 135(f) of the NPPF states that developments should create places that have a high standard of amenity for existing users.
- 6.26 With regards noise impact, firstly it must be borne in mind that the lawful use of the site is for sports pitches and this generates noise. Secondly, the proposed use would not increase the number of users of the facility at any one time. Consequently, the application must be assessed in this context, whilst accepting that the improved usability of the sports pitches would lead to increased duration of use.
- 6.27 A Lighting Assessment has been submitted, and the Environmental Health Manager accepts its findings. The Lighting Statement explains that the spill light is well contained around the perimeter of the pitch and that the spill light towards neighbouring houses has been kept as low as possible. The Statement includes detailed calculations of light spill at surrounding properties and confirms that: "Spill light to the nearest houses has been restricted to below 0.5lux which is generally considered to be less than moonlight." The report advises that given the Site location on the edge of Hereford, the site is between Environmental Zones 2 and 3 which are Rural and Suburban respectively. The Statement goes on to explain that: "The maximum allowable source intensity reading taken from the window of a neighbouring property within Environmental Zone E3 is 10,000cd and E2 is 7500cd. The maximum calculated source intensity reading for the proposed lighting design is 1016cd."
- 6.28 The proposed cabin includes changing rooms which is a gathering space for people. However, the cabin is more than 200 metres from the nearest neighbour at Graftonbury Rise which is on

the opposite side of the railway line. We anticipate this element of the scheme causing no measurable impact on the amenity of neighbours.

- 6.29 A condition restricting the hours of use of the floodlighting is proposed. Finally, it is noted that Network Rail nor Sport England have objected to the proposal. Nor have the Council's Environmental Health (nuisance) officers.
- 6.30 To conclude on this issue, it is considered that the proposal would not adversely impinge upon existing residential amenity and avoid creation of disturbance which might measurably harm the amenity of neighbouring residents whereby the scheme complies with the provisions of Core Strategy policy SD1 and the NPPF.

### **Ecology/Biodiversity impacts**

- 6.31 Policy LD2 of the Core Strategy seeks to ensure that development proposals conserve, restore, and enhance biodiversity assets of Herefordshire. Important sites, habitats, and species shall be retained and protected in accordance with their status. Relevant guidance and principles are also set out within the NPPF at Chapter 15.
- 6.32 The application is accompanied by a Construction and Environmental Management Plan confirms that lighting plans should follow recommendations contained in the Institute of Lighting Professionals Guidance Note 08/23 – Bats and artificial lighting at night. The submission has also been reviewed by the Council's ecologist. The lighting of the pitches and facilities will cease at 10pm and this has been secured by condition and a no ecology objections to the proposed directional lighting and luminaires as currently proposed.
- 6.33 As background, the original outline planning application had an Ecological Assessment by Acer Ecology that considered bat roosting within/directly adjacent to the wider site being developed.
- 6.34 A letter of objection has been submitted raising concerns about the potential impact on local wildlife, especially the bats and owls. As highlighted above, the submission has not raised an objection from the Council's professional ecologist and detailed lighting and illumination plans has been supplied for this proposal. This included detailed modelling of illumination levels and specifications to demonstrate directional down lighting luminaires. Modern floodlights are highly directional and designed to be as efficient as possible at maximising required surface illumination whilst minimising any upward illumination. This modern scheme will be far less intrusive to wider area than say the far older and inefficient systems still being used.
- 6.35 As detailed above, the scheme is also clear about its hours of operation and a significant "core" part of the night is floodlight free. This provides more than sufficient time for light sensitive nocturnal wildlife (including protected species such as Bats) in the area to commute and forage. The Council's ecologist has confirmed that they are confident that the limited/restricted use of modern floodlighting as proposed will not have any significant effect on local bat populations or that of other nocturnal wildlife.
- 6.36 It is noted that the national requirement for 10% Biodiversity Net Gain (BNG) became mandatory for applications submitted on or after 12 February 2024 for major developments and for minor sites on 2 April 2024.
- 6.37 To conclude, the proposal does not conflict with Core Strategy policy LD2 or the NPPF is identified in relation to impacts upon protected species by reason on the greater control over light spill afforded by the proposed system.

### **Other matters**

## Drainage

- 6.38 Welsh Water have confirmed capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. In regards to surface water drainage, the developer is required to explore and fully exhaust all surface water drainage options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000'. In this instance, we offer no objection to proposals for disposal of surface water flows into the public surface water sewer, in principle, subject to a maximum attenuated discharge rate of 2l/s. As such the proposal is considered to satisfy both Core Strategy policy SD3 and SD4.
- 6.39 No problems are envisaged with the treatment of discharges from this site and no 'significant effects' are likely to arise in relation to the integrity of the River Wye SAC.

## Climate change

- 6.40 Core Strategy policy SS7 requires focus on measures to address the impact that new development in Herefordshire has on climate change, outlining how development proposals should include measures which will mitigate their impact on climate change, with policy SD1 also seeking to support these measures. Herefordshire Council has unanimously passed a motion declaring a Climate Emergency, signalling a commitment to ensuring that the council considers tackling Climate Change in its decision-making, with this resolution came a countywide aspiration to be zero carbon by 2030; and a Climate Change Checklist to aid the consideration of development proposals.
- 6.41 Chapter 14 of the NPPF is also of relevance with, paragraph 164 stating that development should be planned so that they:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and
  - b) help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards.
- 6.42 The application site is located within a sustainable location and is in compliance with Core Strategy policies SS7. The use of LED lighting is recognised as being energy efficient and an environmentally friendly solution and is therefore considered to be in accordance with this policy.

## Conclusion

- 6.43 The proposal represents an enhancement to the usability of the pitches, both in terms of duration and range of users. This is a positive social gain and weighs in favour of the scheme. It is located where users would have a choice on how they travel to the site and there would be no adverse impacts on neighbouring uses. When considered against the Core Strategy as a whole and considering other material considerations, the proposal is deemed to be sustainable development that accords with the Development Plan.
- 6.44 Overall, the proposal would contribute to the betterment and continued success of this important community facility. The proposal is not considered to cause any adverse impact on the local landscape, neighbour amenity or ecology risk and therefore approval is recommended subject to the conditions listed below.

## RECOMMENDATION

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

### 1 Time limit:

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 Approved Drawings:

The development shall be carried out strictly in accordance with the approved plans:

- Cabin and Container Location Plan: Dwg: PL120
- Cabin and Container Site Plan: Dwg: PL121
- Cabin and Container Floor Plans: Dwg: PL122
- Cabin and Container Elevations Plan: Dwg: PL123
- Site Location: Lighting and Cabins: Dwg: PL002
- Site Plan: Lighting and Cabins: Dwg: PL021
- Elevations: Dwg: MCA-MUK 3228-10
- Proposed Scheme: Dwg: MCA-MUK 3228-02 Rev C
- Proposed Pitch Layout: Dwg: MCA-MUK 3228-03 Rev B
- Lighting Impact-02 Vertical a2407-01
- Lighting Impact-01 Horizontal a2407-01

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].

### 3 Colours of floodlight columns and storage building:

The floodlight columns hereby approved shall be powder coated prior to their installation in dark green (RAL 6007) or an alternative colour which has been submitted to and approved in writing by the Local Planning Authority. Details of the RAL colour for the storage building shall also be submitted to and approved in writing by the Local Planning Authority. Thereafter the columns and container shall be retained in that colour.

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan and the National Planning Policy Framework

### 4 Hours of use of Floodlights:

The floodlights hereby approved shall not be illuminated outside the following times: 15:30 to 22:00 hours on any day.

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

### 5 Surface Water:

Surface water flows from the development shall only communicate with the public (combined sewer / surface water sewer) through an attenuation device that discharges at a rate not exceeding 2l/s.

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

#### 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.
2. The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “high status protected species” such as all Bat species, Great Crested Newts, Otters, Dormice, Crayfish and reptile species that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required ‘licences’ have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests
3. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

In accordance with National Planning Policy Framework (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising

**approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements**

Decision: .....

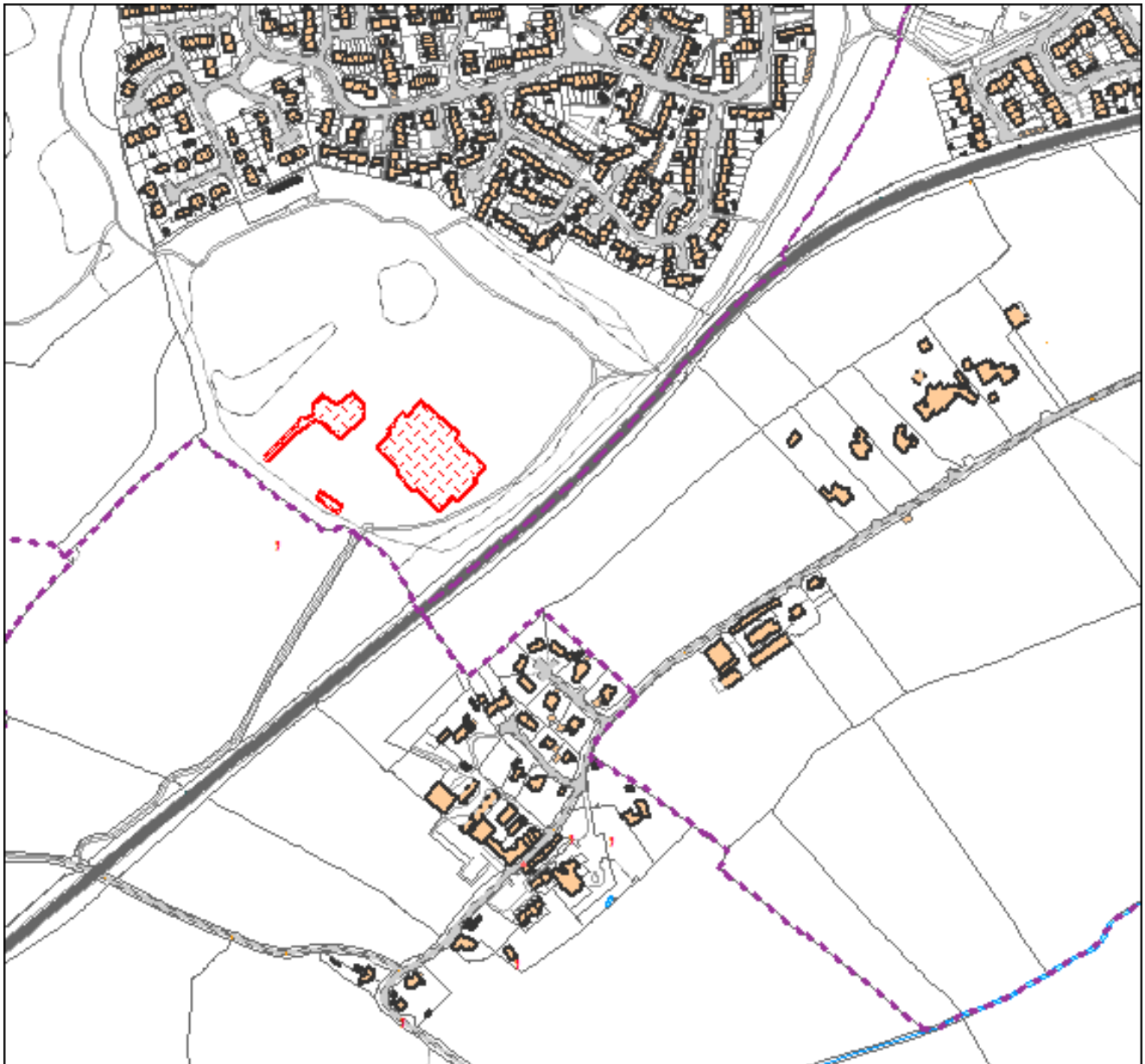
Notes: .....

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**Background Papers**

None identified.





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**APPLICATION NO:** 242157

**SITE ADDRESS :** LAND AT ASHLEY FARM, GRAFTON COURT CLOSE, GRAFTON, HEREFORD, HEREFORDSHIRE

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Further information on the subject of this report is available from Ms Heather Carlisle on 01432 260453

