

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>26 AUGUST 2020</b>
<b>TITLE OF REPORT:</b>	<p><b>202191 - PROPOSED ADDITIONAL BALCONY AREAS TO INCREASE ENTRANCES INTO THE BUILDING. EAST FACING ELEVATION MOVED FORWARD TO INCREASE CLUBHOUSE FLOOR AREA AND REMOVE AREA THAT IS VANDALISED AT WYESIDE PLAYING FIELDS, BELVEDERE LANE, HEREFORD, HEREFORDSHIRE, HR4 0PH</b></p> <p><b>For: Mr Goodall per Mr Andrew Venables, 17 Pentoloe Close, Mordiford, Hereford, Herefordshire HR1 4LS</b></p>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202191&amp;search-term=202191">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202191&amp;search-term=202191</a>
<b>Reason Application submitted to Committee – Staff member</b>	

**Date Received: 10 July 2020**

**Ward: Greyfriars**

**Grid Ref: 350284,239461**

**Expiry Date: 14 September 2020**

Local Member: Councillor Diana Toynbee

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

- 1.1 The application site comprises Wyese Playing Fields which is home to Hereford Rugby Football Club (HRFC) and is accessed off Belvedere Lane via its junction with Broomy Hill to the north-east.
- 1.2 The main part site lies within the Central Conservation Area with an overspill parking area to the west lying within the Broomy Hill Conservation Area, the boundary of which is defined by the Great Western Way embankment. The embankment and the land to the immediate west of it are designated as Sites of Interest for Nature Conservation (SINC)
- 1.3 The southern edge of the site is defined by a public right of way (HER20) beyond which is the River Wye, a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)
- 1.4 The site lies within Flood Zone 3 and unsurprisingly given the close physical relationship with the River Wye and local topography is at high risk of flooding. Indeed the clubhouse was subjected to significant damage during the February flood event.
- 1.5 Planning permission is sought for a number of external changes to the clubhouse which facilitate improvements to the internal layout. These include the forward extension of the front elevation of the building to increase the floor area of the clubhouse; provision of a balcony linking the covered seating area to a café seating area and an increase in the number of entrances to the building. The principal elevation of the proposed building extension is illustrated below:

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612



## 2. Policies

### 2.1 The Herefordshire Local Plan Core Strategy (CS)

- SS1 - Presumption in Favour of Sustainable Development
- SS6 - Environmental Quality and Local Distinctiveness
- SC1 - Social and Community facilities
- LD1 - Landscape and Townscape
- LD2 - Biodiversity and Geodiversity
- LD4 - Historic Environments and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Waste Water Treatment and River Water Quality

### 2.2 The Hereford Area Plan is not currently at a stage where it can be afforded weight in decision making

### 2.3 NPPF

- 2. Achieving sustainable development
- 4. Decision making
- 8. Promoting healthy and safe communities
- 12. Achieving well designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

### 2.4 NPPG

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

[https://www.herefordshire.gov.uk/info/200185/local\\_plan/137/adopted\\_core\\_strategy](https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy)

## 3. Planning History

### 3.1 CW2001/2318/F – Refurbishment, alteration and extension forming new changing rooms and sports facilities. Approved

Various applications for telecommunications apparatus and subsequent upgrades

## 4. Consultation Summary

### 4.1 Statutory Consultations

None

### 4.2 Internal Council Consultations

#### Area Engineer

The local highway authority has no objection to the proposals

#### Ecologist

The site is within 70m of the banks of the River Wye SAC and a Habitat Regulations Assessment process is triggered for this application.

Based on available information for this specific application the following points in relation to the required Habitat Regulation Assessment process are noted.

- No changes are being made as part of this application to any part of the current foul water infrastructure.
- No additional use or occupation of the Clubhouse are being created by the proposed refurbishment and flood damage repairs.
- The current proposed works are very small scale with minimal ground works
- No change to any current flood attenuation is proposed
- No additional surface water will be created.
- No additional external lighting is identified on supplied plans.

Based on these notes there are no aspects of the current development that are identified as having a likely significant effect on the River Wye SAC and there are NO adverse effects on the integrity of the River Wye SAC (or any features of the designation). No HRA Appropriate Assessment process is triggered or required.

No specific effects or impacts on any protected species or other wildlife is identified from the works proposed under this specific application. As a general ecological comment it is suggested that a relevant advisory is included on any consent granted to remind the applicant (and their contractors) of their own legal duty of care towards general wildlife protection as afforded under the Wildlife & Countryside Act (1981)

#### ***Wildlife Protection 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 all Bat species, Badgers, 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 is advised that advice from a local professional ecology consultant is obtained.*

## 5. Representations

5.1 None received

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

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=202191&search-term=202191](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202191&search-term=202191)

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

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

## 6. Officer's Appraisal

### Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:  
*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 The NPPF is supportive of opportunities to enhance existing facilities that contribute positively to the promotion of healthy communities and this is underpinned by CS policy SC1 which is a broadly permissive policy that supports development proposals that can be demonstrated to enhance existing social and community facilities. In this regard the broad principle of the range of improvement proposed in relation to this application is supported.

### Flood Risk/Drainage

6.4 The sites location within Flood Zone represents a significant constraint in relation to new development and the Flood Risk Assessment (FRA) submitted with the application acknowledges this.

6.5 The flood risk constraint notwithstanding, the proposed development falls within the definition of *minor development* and is an established recreational facility and as such does not require the application of a sequential test. The NPPG advises that minor developments are unlikely to raise significant flood risk issues unless:

- they would have an adverse effect on a watercourse, floodplain or its flood defences;
- they would impede access to flood defence and management facilities, or;
- where the cumulative impact of such developments would have a significant effect on local flood storage capacity or flood flows.

6.6 The site is used for outdoor sports and recreation and essential facilities such as changing rooms falls within the class of 'water compatible development' which are not excluded from being provided within Flood Zone 3. Furthermore the proposed development comprises the infilling of an existing building, extending forward on the existing footprint of the building that is already raised above ground level and would not impact upon existing flood storage capacity. The remodelling of the staircase involves the removal of the existing concrete staircase and replacement with open steel staircases. This is considered to represent a marginal change to the flood storage capacity, but continues to allow flood flow under and around the stilted building.

- 6.7 The proposed alteration will largely sit below the existing canopy of the clubhouse and as such there are no implications for existing surface water run-off. Additionally there are no changes to the existing foul drainage arrangement.
- 6.8 In relation to this assessment it is considered that the requirements of CS policy SD3 and the associated NPPF guidance are satisfied with regard to flood risk.

#### Biodiversity/Ecology

- 6.9 The Ecologist has advised that notwithstanding the close proximity of the site to the River Wye SAC/SSSI, the project does not trigger a requirement for a Habitat Regulation Assessment (HRA). This recommendation is reached based upon the limited scale of the proposal, the nature of which is non-intrusive such that the conclusion in this instance is that there will be no adverse effect on the integrity of the River Wye SAC.
- 6.10 Furthermore he advises that there are no identifiable effects or impacts on any protected species or other wildlife from the works proposed under this specific application, recommending an informative note referring to the applicant Duty of Care on separate legislation.
- 6.11 Based upon this technical advice, it is considered that the requirements of CS policies SS6, LD2 and SD4 have been appropriately addressed and there are no grounds for withholding permission in relation to biodiversity and water quality constraints.

#### Heritage Impacts

- 6.12 Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990 establish a legal obligation for any development that may affect a listed building or its setting or affect the character of a Conservation Area, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the designated area. These principles are effectively addressed within CS policy LD4 which requires development proposals to protect, conserve and where possible enhance heritage assets and their settings in a manner appropriate to their significance
- 6.13 The clubhouse and associated playing pitches lies within the Central Conservation Area with the overflow car parking area within the Broomy Hill Conservation Area.
- 6.14 The proposed external changes to the clubhouse are of very limited visual consequence and will not increase the prominence of the building when viewed from public vantage points in the vicinity, which are in any case well screened by existing vegetation along the south and west boundaries of the site.
- 6.15 The combination of very modest changes and the well screened nature of the site are such that it is considered that the character and setting of the Conservation Areas will be preserved/conserved in accordance with the legal obligations identified above and the requirements of CS policy LD4 and the NPPF. In this regard there is no requirement to carry out an assessment of the public benefits of the proposal, although there are considered to be modest positive impacts in this regard.

Other Matters

6.16 The potential impact of the development proposal upon the residential amenity of local residents has been assessed and given the modest scale of the extension, it is not considered that there will be any adverse effects warranting any conditional control over the use of the site but a condition controlling when construction work can occur is considered appropriate to protect residents residing on Belvedere Lane in particular from undue disturbance.

Conclusion

6.17 The proposal will provide for enhanced facilities at the well-established base of HRFC. Despite the obvious heritage and biodiversity sensitivity of the site as well as the flood risk constraint, no adverse environmental impacts have been identified. There are modest social and economic benefits associated with this proposal, which in the absence of environmental harm is such that the proposal is representative of sustainable development and is recommended for approval.

**RECOMMENDATION**

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

- 1. **C01 - Time limit for commencement (full permission)**
- 2. **C06 - Development in accordance with the approved plans**
- 3. **CBK - Restriction of hours during construction**

**INFORMATIVES:**

- 1. **IP1 - Application Approved Without Amendment**
- 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), with enhanced protection for special “protected species” such as all Bat species, Badgers, 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.**

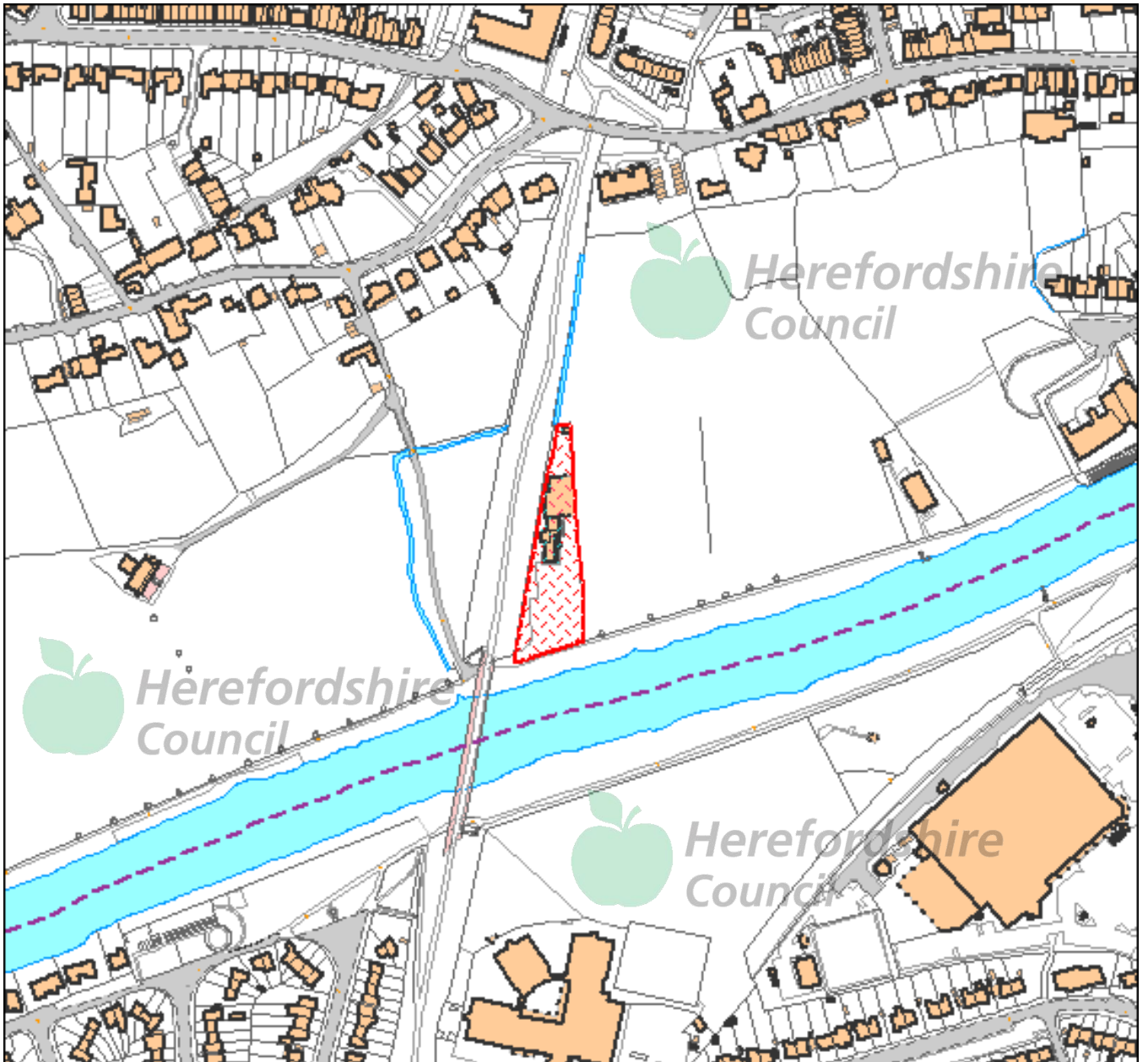
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** 202191

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

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Further information on the subject of this report is available from Mr Simon Withers on 01432 260612