

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

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

Local Member: Cllr Polly Andrews

1. Site Description and Proposal

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

2. Policies

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

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

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

The Herefordshire Local Plan Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:- https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.2 **National Planning Policy Framework (July 2021)**

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

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

2.3 **National Planning Practice Guidance (PPG)**

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

2.4 **Hereford Area Plan**

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

3. **Relevant Planning History**

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

- 3.5 P191424/XA2 - Application for approval of details reserved by conditions 5 6 9 10 & 11 attached to planning permission 182950 – approved
- 3.6 P182950/F – Construction of an external 3G Artificial Turf Pitch (ATP) with fencing and a storage container – approved with conditions
- 3.7 P160232/F – Proposed 100 person seated stand. A one metre wide concrete walk way all around football pitch. One pay box building. Six floodlights and netting behind goal and on railway side – approved with conditions

4. Consultation Summary

Statutory Consultations

4.1 Sport England – No objections

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

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states: 'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

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

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.' Sport England's Playing Fields Policy and Guidance document can be viewed via the below link: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy

The proposal and its impact on the playing fields

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

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

This being the case, Sport England does not wish to raise an objection to this application. The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing

Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.”

4.2 Network Rail – No objections

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

4.3 Open Spaces Society – No objections

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

4.4 Herefordshire Wildlife Trust – No response

4.5 The Ramblers Association – No response

4.6 Hereford & Gloucester Canal Trust – No response

Internal Council Consultations

4.7 Landscape Officer – No objections

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

4.8 Transportation Area Engineer – No objections

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

4.9 Open Space Planning Officer – No objections

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

Core Strategy policy SS1: presumption in favour of sustainable development. Supports proposals which improve social, economic and environmental conditions in the county taking into account any adverse impacts in granting permission which would significantly and demonstrably outweigh the benefits.

Core Strategy Policy OS3: Loss of Open Space, Sport or Recreation facilities. the loss of the open space, sports and recreation facility is for the purpose of providing an ancillary development which improves the functioning, usability or viability of the open space, sport and recreation use, e.g. changing rooms, toilets, grandstand accommodation, assembly and function uses;

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

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

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

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

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

4.10 Land Drainage Engineer – No objections

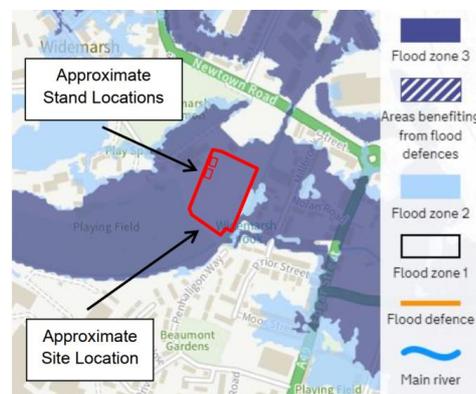
“Our knowledge of the development proposals has been obtained from the following sources: Application for Planning Permission; Location Plan; Block Plan; Flood Risk Assessment Letter Report; Applicant emails with further information, including the Drainage Strategy submitted for Application 191424 (Issue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

Overview of the Proposal

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

Site Location

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



Flood Risk Fluvial Flood Risk

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

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

Table 1: Scenarios requiring a FRA

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

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

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

Table 3: Flood risk vulnerability and flood zone compatibility

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

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

Surface Water Drainage

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

Foul Water Drainage

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

Overall Comment

We have no objections to the proposed development."

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

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

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

4.13 **Ecology – No response**

4.14 **Building Conservation Officer – No response**

5. **Representations**

5.1 **Hereford City Council – No response**

5.2 No other representations have been made.

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

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

6. **Officer’s Appraisal**

Policy context

6.1 The proposal is considered in line with the statutory requirements of Section 70(2) of the Town and Country Planning Act 1990 (as amended) which requires that when determining planning applications, the local planning authority shall have regard to the provisions of the development plan, local finance considerations (so far as material to the application) and any other material considerations. Following this requirement, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states the following: *“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

6.2 The adopted development plan comprises the Herefordshire Local Plan – Core Strategy (CS). The National Planning Policy Framework (‘NPPF’ henceforth) is also a significant material consideration. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and paragraph 33 of the NPPF requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The CS was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the CS was made on 9 November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding an application. In this case, the policies relevant to the determination of this application are considered to remain consistent with the NPPF and can be afforded significant weight.

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

Principle of development

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

Design/Streetscene

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

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

Highways

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

Amenity

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

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

Drainage

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

Heritage

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

Ecology/Biodiversity

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

Conclusion

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

RECOMMENDATION

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

1. **C01 (Time limit for commencement (full permission))**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **C06 (Development in accordance with approved plans)**
The development shall be carried out strictly in accordance with the approved plans (Site Location Plan, except where otherwise stipulated by conditions attached to this permission.

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

3. **CNS (Non-Standard Condition)**
Prior to first use of the approved development, an addendum to the community use agreement, as approved under P182950/F, shall be submitted to and approved in writing by the Local Planning Authority. The updated agreement shall incorporate the approved development under this decision notice and how this relates to the Artificial Grass Pitch and associated ancillary facilities and include details of pricing policy, hours of use, access by priority groups/community users other than the host club, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict accordance with the updated approved agreement.

Reason: To secure and maintain a well-managed and safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and

to accord with policy OS3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework (2021).

4. CNS (Non-Standard Condition)

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

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

5. CC1 (Details of External Lighting)

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

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

INFORMATIVES:

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

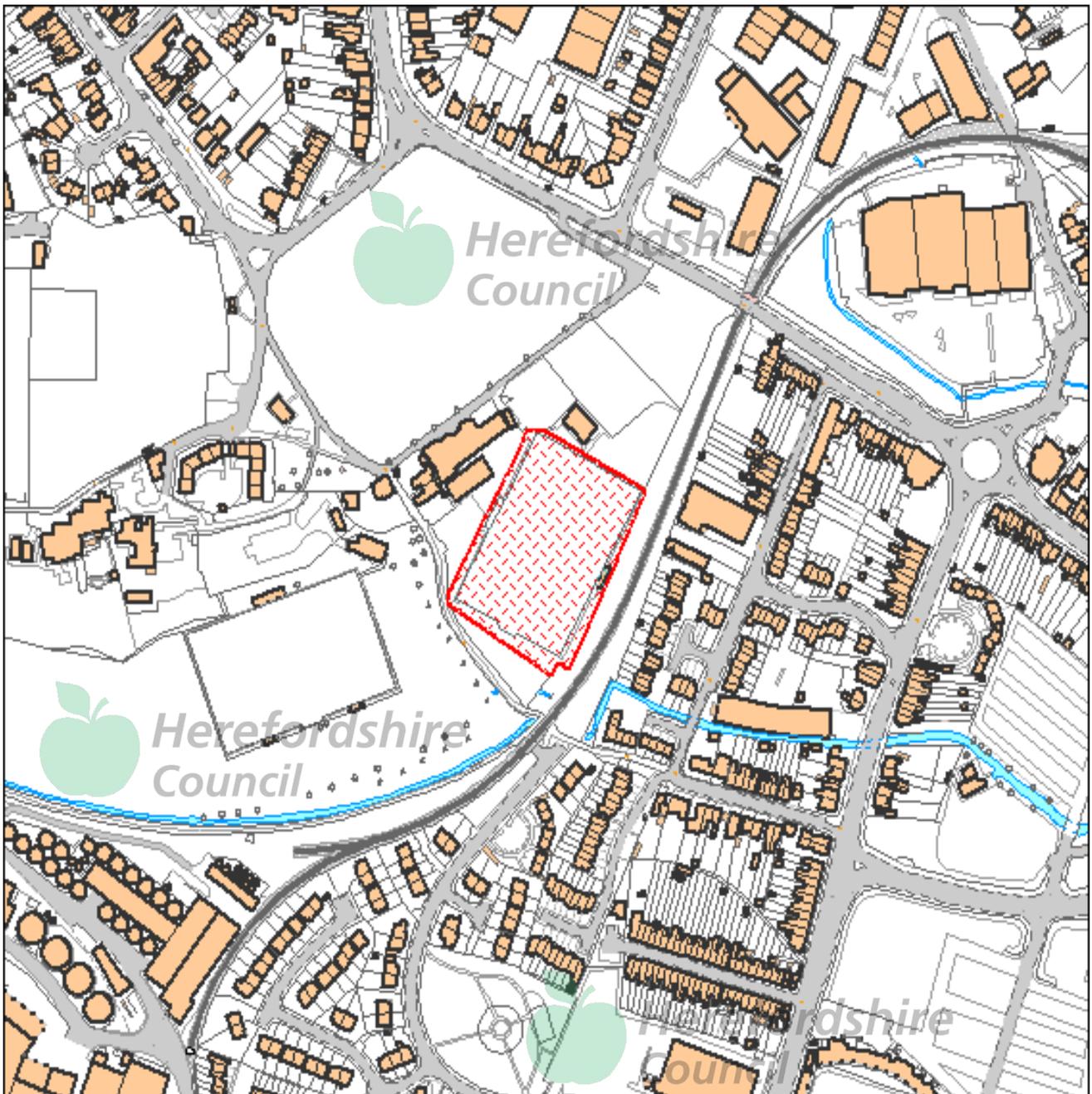
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 220137

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

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